DOCUMENTS ON KASHMIR PROBLEM

Digitized by Google
Original from
UNIVERSITY OF CALIFORNIA

Digitized by Google
Original from
UNIVERSITY OF CALIFORNIA

DOCUMENTS ON KASHMIR PROBLEM

Edited by
M. S. Deora
R. Grover

VOL. XIX

Discovery Publishing House
NEW DELHI-110002

Digitized by Google
Original from UNIVERSITY OF CALIFORNIA

MAIN

First Published 1992

© Editors

ISBN 81-7141-155-X (Set)

Published by : DISCOVERY PUBLISHING HOUSE
4594/9, Darya Ganj, New Delhi-110002

Printed in India at Sangita Printers, Maujpur, Delhi-53

Digitized by Google

Original from
UNIVERSITY OF CALIFORNIA

DS485
K27D62
1977
v.1
MAIN

Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of National consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this antifeudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency, of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and

Digitized by Google

submitted a memorandum to the Cabinet Mission of 1946 demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India." When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. . .the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right." The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress president that people in Kashmir were grooning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1974 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim comunalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceeded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade

Digitized by Google

and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyan of nationalism, succeeded in restoring Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocast. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 (S/628). Pakistan made counter complaint (S/646) but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government." After debate the Security Council passed to resolution (S/651 and S/654). It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts (S/1100 ; S/1196, and S/1430). Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 6 January 1949 dealing with the plebiscite. The ceasefire came into effect by 1 January 1949 and a ceasefire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate,

Digitized by Google
UNIVERSITY OF CALIFORNIA

however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611 S/2783 and S/2967.

In July August 1953 and in May 1955 the Prime Minister of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting and change in the new Constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite (SCOR, 12th Yr., Mtg. 761). Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 723 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/2821).

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-co-operation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Moorkerjee called this policy as "national liability". This non-co-operation was also supported by Jayaprkash Narayan and Acharya Kirpalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence

Digitized by Google

in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimetely. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and uncermonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolution of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of Military settlement of the Kashmir Problems. Threats and counter threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent Representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR: 17 Yr. Mtgs. 990). In the subsequent meeting of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his asguments in support of Pakistan's claim over Kashmir Mr. C. S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British

Digitized by Google

representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in pursuading the Irish representative to introduce draft resoution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg. 1016) Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting (S/5516) to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 (Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114). Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". (Mtgs. nos. 1088, 1104, 1113 and 1115). Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate (SCOR, Mtg. no. 117).

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965

Digitized by Google

on charge anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declarations, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Aziz Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966, Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Tashkent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite (GAOR, Pen. Mtg. 1423). He also tried to raise this issue in the Commonwealth Prime Minister' meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmiri people to exercise the right of self determination. Even Prime Minister Mrs. Indira Gandhi gave a statement in Lok Sabha that "India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan". Pakistan government started anti-India propaganda. Ayub Khan described Indian army as "special danger to Pakistan". He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting (GAOR. Plu. Mt. 1584) and demanded "self-determination" for the people of Kashmir to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in the UN General Assembly meeting (GAOR. Pl. Mtg. 1982) and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan, (GAOR Plan. Mtg. 1775) on October 2, 1969.

Digitized by Google

Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations (GAOR, Pln. Mtg. 1853) on 29 September 1970. Weanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth" Kashmiris are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

A hand grenade was thrown on the Kashmir Chief Minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they were imparted training by Pakistani officers. The subversive activities of the Pakistani infilterators continued till date. The cease fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement. In short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would give sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for non-war pact' was turned down by Ayub Khan who discribed this proposal as "misleading" unless Kashmir dispute was solved. During the time Sheikh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embrassing situation.

Digitized by Google

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willingness for some time to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relation. General Yahya Khan accepted the proposal with provision that the machinary of Indio-Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of letters between the two governments, no follow-up actions could be taken up by either of the governments. Instead President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approch for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of

Digitized by Google

1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. Fresident Zia-ul-Haq, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents, to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library New Delhi for the help rendered to us during our visits there.

Digitized by Google

An Overview

The representative of India to the United Nations, in a letter dated January 1, 1948, and addressed to the President of the Security Council (S/628), stated that a situation coming under Article 35 of the Charter, continuation of which was likely to endanger international peace and security, existed between India and Pakistan resulting from the aid that invaders, comprising Pakistan nationals and tribesmen from areas adjacent to the north-west frontier of Pakistan, were drawing from Pakistan for operations against the State of Jammu and Kashmir. He requested the Security Council to call on Pakistan immediately to stop giving such assistance, since it was an act of aggression against India. If Pakistan did not desist from such action, the Government of India might be compelled in self-defence to enter Pakistan territory to take military action against the invaders. The situation was therefore of extreme urgency, the letter stated, and called for immediate action by the Security Council to avoid a breach of international peace.

The matter was admitted to the agenda of the Security Council at its 226th meeting on January 6, 1948, when, pursuant to Article 31 of the Charter, the representatives of India and Pakistan were invited to participate in the discussion. Consideration was postponed until January 15, at the request (S/629) of the Pakistan Government to enable the Pakistan Foreign Minister to reach New York.

Digitized by Google
Digitized by the University of Delhi Library

Under cover of a letter dated January 15, the Foreign Minister of Pakistan submitted three documents (S/646), replying to India's charges, levelling counter-charges and calling upon the Council to tacke action on the latter charges. The main points of the charges concerned India's action in Jammu and Kashmir, the unlawful occupation of the State of Junagadh and other States by Indian forces, mass destruction of Muslims in a prearranged program of genocide, and failure to implement agreements between the two-countries.

As a result of a letter dated January 20 (S/655) from the Minister of Foreign Affairs of Pakistan to the President of the Security Council requesting consideration of matters in the Pakistan complaint other than the Jammu-Kashmir question, there was discussion at the 231st meeting on January 22 of a change in the agenda, which had up to then been entitled "Jammu and Kashmir question". This was now altered to the "India-Pakistan question", with the understanding that the Kashmir question would be discussed first as a particular case of the general India-Pakistan dispute, though this would not mean that consideration of the other issues in the Pakistan complaint would be postponed until consideration of the Kashmir question had been completed.

Telegram from the President to the Parties

By identical telegrams dated January 6, 1948, the President of the Security Council prior to the Council's examination of the Indian communication of January 1, (S/628) addressed an urgent appeal to the Governments of both India and Pakistan to refrain from any step incompatible with the Charter and liable to result in an aggravation of the situation, thereby rendering more difficult any action by the Security Council. In their replies (S|639, S/640) the two Governments assured the President of the Council that they would refrain from any action which might be contrary to the Charter.

Digitized by Google

Statements by the Parties

At the 227th meeting on January 15, 1948, the representative of India stated that the Government of India had been compelled to bring the Kashmir question before the Security Council by the failure to reach agreement in direct negotiations, which failure had resulted from the intransigence and lack of co-operation of the Pakistan Government. He stressed that the solution of this matter was urgent, not only to safeguard the residents of the State, but to avoid the risk of war between India and Pakistan.

After the Indian Independence Act had come into force on August 15, 1947, the representative of India explained, Kashmir had started negotiations with both India and Pakistan with regard to accession to one of them. India, while vitally interested in the decision, had not put any pressure on Kashmir to accede to the Indian Dominion, whereas Pakistan had applied coercive pressure. It had withheld supplies of vital commodities to the State, in contravention of the standstill agreement previously negotiated. Side by side with economic strangulation, armed incursions had begun to take place from West Punjab into the territory of Jammu and Kashmir State. To counteract the mass raid of tribesmen which started on October 22 and to stop their advance on Srinagar, the Kashmir Government, on October 26, 1947, supported by Sheikh Abdullah, leader of the most influential and popular organization in Kashmir, had acceded to the Dominion of India and had asked for armed aid. The Government of India had accepted the accession on the understanding that the will of the people regarding it could be made clear in a plebiscite or referendum when law and order had been restored. The Government of India had no plan to send any military assistance to Kashmir before October 25.

The representative of India cited evidence to support the charges that the Pakistan Provincial and Central Governments were aiding the rebellion with arms and supplies and that Pakistan nationals and servicemen "on leave" were participating in the raids. He requested the Security Council to

Digitized by Google

use its influence and power to persuade the Government of Pakistan to prevent its nationals from participating in the raids and to deny aid to the invaders.

At the 228th and 229th meetings on January 16 and 17, the representative of Pakistan replied to the representative of India and amplified the charges made in the documents submitted to the Council by the Government of Pakistan. He reviewed the history of the recent period leading up to partition and communal strife, which, he charged, had arisen from the acts and attitude of the Hindu extremist elements and of the Sikhs. He also outlined the development of an alleged Sikh conspiracy to secure a partition of the Punjab and to exterminate or expel the Muslims of the Eastern Punjab.

He maintained that the Government of India had not dealt properly or adequately with attacks on Muslims, even in the Indian capital.

As regards the issues in Jammu and Kashmir, he denied that Pakistan had applied pressure to the Kashmir Government, pointing out that the breakdown in supplies was due to confusion and strife in the border area arising from the attacks of the State forces and Sikh and Hindu bands on the Muslim population of Kashmir. The State Government, he said, had planned and carried out attacks on Muslims in order to create a situation favorable to its accession to India. It was in self-defence, and because of indignation aroused by these acts, that the Kashmir Muslims and those tribesmen that were helping them were fighting against the State troops.

The representative of Pakistan stated that the Kashmir Government had refused or ignored offers of friendly dicussion, had ignored acceptance of its own demand for an impartial inquiry, and had called in Indian troops without informing Pakistan of its intended action. In the same way, the Indian Government, which claimed that it had tried to reach a settlement with Pakistan by negotiation, had not informed Pakistan of the mevement of Indian troops into Kashmir until after it had taken place. The Indian Government had not, in fact, he asserted, really tried to settle the issues by direct negotiation.

Digitized by Google

He called for the evacuation from Jammu and Kashmir of all elements foreign to the State, including tribesmen and Indian Army troops, as the best step to a just solution of the question.

Resolution of the Council of January 17, 1948

At the 229th meeting on January 17, the President, speaking as the representative of Belgium, stated that, in view of the urgent nature of the question, he was submitting the following draft resolution (S/651) before the Council came to a consideration of matters of substance.

"*The Security Council*

"*Having heard* statements on the situation in Kashmir from representatives of the Governments of India and Pakistan;

"*Recognizing* the urgency of the situation;

"*Taking note* of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto;

"*Calls upon* both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

And further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under the consideration of the Council, and consult with the Council thereon;

The President added the following words to the third paragraph of the draft resolution, in accordance with a suggestion made by the representative of Colombia: "in which they announce their intention to conform to the Charter".

Digitized by Google

The representatives of Colombia, Syria and Canada supported the draft resolution. The representative of the U.S.S.R. stated that the proposed resolution would add nothing to what had already been done in the matter. The Security Council should study the question more exhaustively and adopt as soon as possible a resolution on the merits of the question designed to imrove the situation in Kashmir and restore friendly relations between India and Pakistan. The representative of Argentina said that he would support the Belgian draft resolution though he would have preferred something more effective.

The Belgian draft resolution was adopted by 9 votes in favor, 0 against, and 2 abstentions (Ukrainian S.S.R., U.S.S.R.).

Conversations Between Representatives of the Parties and the Council President

Following the adoption of the Belgian resolution the representative of the United Kingdom proposed that the President of the Council should meet with the representatives of the two Governments concerned and that under his guidance they should try to find some common ground on which the structure of a stllement might be built. The proposal met with the approval of the parties concerned and the President declared his readiness to assist. No objection was voiced to the proposal by any representative of the Security Council.

In the course of the Council's consideration of the Kashmir question, therefore, four successive monthly President of the Council (the representatives of Belgium, Canada, China and Colombia) held conversations with representatives of the two parties. The proposals and draft resolutions, which were placed before the Council, and which are discussed below, were largely the outcome of these continued consultations of the presidents with the parties concerned.

Digitized by Google

Resolution of the Council of January 20, 1948

At the 230th meeting on January 20, the President, speaking as the representative of Belgium, submitted a draft resolution (S/654) which had been drawn up as a result of his talks with the representatives of the parties, as follows:

"*The Security Council*

"*Considering* that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency;

Adopts the following resolution

"A. A commission of the Security Council is hereby established, composed of representatives of three members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected;

"Each representative on the Commission shall be entitled to select his alternates and assistants;

"B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

"C. The Commission is invested with a dual function:

"(1) To investigate the facts pursuant to Article 34 of the Charter;

"(2) To exercise, without interrupting the work of the Security Council, any mediatory influence likely to

Digitized by Google

smooth away difficulties; to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council have been carried out.

"D. The Commission shall perform the functions described in Clause C:

"(1) In regard to the situation in the Jammu and Kashmir State set out in the letter of the respresentative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs in Pakistan addressed to the Secretary-General, dated 15 January 1948; and

"(2) In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

"E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the relization of its mission and the reaching of its conclusions.

"F. The Commission, its members, alternate members, their assistants and its personnel, shall be entitled to journey, separately or together, wherever the necessities of other tasks may require, and, in particular, within those territories which are the theatre of the events of which the Security Council is seized.

"G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary".

The representative of Pakistan noted that the proposed commission would constitute machinery which could deal with all matters pertaining to the India-Pakistan dispute when the Council so desired.

Digitized by Google

The representative of India replied that this commission could only be concerned with the Kashmir issue, since the other issues had not yet been discussed by the Council. However the commission could cover other matters if the Council so desired after discussing such matters.

The representatives of the United Kingdom, Canada, France, Syria, China and Colombia suported the draft resolution.

The representative of the U.S.S.R. noted with satisfaction that India and Pakistan had expressed readiness to settle the question by peaceful means with a view to restoring good neighbourly relations between those States. The Soviet delegation could not, however, approve the principle governing the establishment of the Commission. The Commission should consist of States represented in the Security Council.

The representative of the Ukrainian S.S.R. supported this view.

The Security Council adopted the Belgian draft resolution by 9 votes in favor to 0 against, with 2 abstentions (Ukrainian S.S.R., U.S.S.R.).

At the 231st meeting on January 22, the President, on the basis of his conversations with the representatives of India and Pakistan, reported that the parties were agreed in principle on the desirability of a plebiscite to determine the accession of the State of Kashmir.

At the 232nd, 234th and 235th meetings on January 23 and 24, the Council heard further statements by the representatives of India and Pakistan. The representative of India denied the accusations of the representative of Pakistan, which he said, had been made in the hope of obscuring the true issue, on which the Government of Pakistan had no real answer. The representative of Pakistan, on the other hand, stated that the Indian representative had denied reports which were true. He further cited evidence to show the lack of aid from Pakistan to the invaders.

Digitized by Google

Proposals of the Parties; Report of the President

At the 236th meeting on January 28, the President reported on the conversations he had continued with the representatives of India and Pakistan.

In response to a suggestion by the President, the representatives of India and Pakistan had on January 27 submitted written proposals (see S/- P.V. 236).

The document submitted by the representative of India stated that the first objective to be achieved was the cessation of fighting. For this purpose the Government of Pakistan should use all its efforts to persuade invading tribesmen and others to withdraw from Kashmir, to deny to such invaders passage through Pakistan territory and to refuse them assistance in any other form. The next objective should be the restoration of peace and normal conditions, which the Government of India estimated would probably require about six months. To achieve this, (a) all citizens of the State who left it on account of the recent disturbances were to be invited to return to their homes and to exercise all their rights as citizens, (b) there was to be no victimization, (c) all political prisoners in the State were to be released and (d) no restrictions were to be imposed on legitimate political activity.

Though after the cessation of hostilities the strength of the Indian troops in the State would be progressively reduced, the Indian Government insisted that it would be necessary to maintain Indian troops in adequate strength in Jammu and Kashmir to ensure not only against possible future attacks from out outside, but also to assist the civil authorities to maintain law and order. The emergency administration which had been set up under Sheikh Abdullah would immediately be converted by the ruler of Kashmir, the Maharajah, into a Council of Ministers in which Sheikh Abdullah would be Prime Minister and his collegues would be appointed by the Maharajah on his advice. The ministry would, as far as possible, function as a responsible ministry.

Finally, the Indian proposals provided that the interim government, immediately upon the restoration of normal

Digitized by Google

conditions, should convoke a National Assembly based upon adult suffrage, which Assembly should then constitute a National Government. The National Government would then proceed to have a plebiscite taken on the question of accession. The plebiscite would be taken under the advice and observation of persons appointed by the United Nations.

The Pakistan proposals, which were submitted in the form of a draft resolution (see S/P.V. 236), provided that the Security Council should direct its Commission established under the resolution of Janaury 20, 1948, to arrange for :

(a) the establishment of an impartial interim administration in the State of Jammu and Kashmir ;

(b) the withdrawal from the territories of the State of Jammu and Kashmir of the armed forces of the Indian Union and the tribesmen; also all trespassers whether belonging to Pakistan or the Indian Union;

(c) the return of all residents of Jammu and Kashmir State who left or were compelled to leave the State as a result of the disturbances;

(d) the holding of a plebiscite to ascertain the free, fair and unfettered will of the people of the State as to whether the State should accede to Pakistan or to India.

The President summed up the ideas that the above proposals had in common as : (1) the first objective was the cessation of fighting. (2) India and Pakistan must co-operate with a view to attaining this first objective; (3) the freedom of the proposed plebiscite must be ensured by adequate measures.

He reported that on the basis of these points he had submitted his own suggestions to the parties in the form of a draft resolution. This draft resolution took note of the agreement of India and Pakistan that the future of the State of Jammu and Kashmir should be decided through a plebiscite to

Digitized by Google

be held under the authority of the Security Council. In this connection the Commission of the Security Council established by the resolution of January 20, 1948, was to take into consideration that among the duties incumbent upon it, are included those which would tend towards promoting the cessation of acts of hostility and violence, and which are of a particularly urgent character". The resolution stated further that "in the pursuit of this aim, the Commission shall use every diligence to ensure that its mediatory action be exercised without delay and that its proposals to the Security Council be submitted as soon as possible". Such proposals were to include measures designed to ensure cooperation between the military forces of India and of Pakistan with a view to attaining the objectives mentioned above and to maintaining order and security in the future. The Commission was also to report to the Security Council on the results of its mediatory action and as to the fulfilment of such conditions as would be necessary to guarantee the liberty of the plebiscite.

Opening the discussion on his report to the Council, the President expressed the view that the Council should concentrate on the idea of a plebiscite, concerning which there were grounds for agreement.

The representative of India thought that it would be putting the cart before the horse to discuss a plebiscite before discussing the measures necessary to bring about the cessation of fighting.

The representative of Pakistan contended that the representative of India was over-simplifying the matter and that, in fact, the only common ground that might lead to a general settlement without great delay was a plebiscite. He considered that it should be discussed first.

The representative of the United Kingdom said that the plebiscite proposal should be discussed first. The best way to stop the fighting was to assure those engaged in it that a fair settlement ensuring their rights would be arrived at.

Belgian Draft Resolutions

At the 237th meeting on January 29, the President,

Digitized by Google

speaking as the representative of Belgium, stated that measures to end the violence and to conduct a plebiscite were two aspects of the same problem : that of restoring order and tranquility in Jammu and Kashmir. He therefore introduced two draft resolutions (S/661, S/662). The first stated that "the Security Council is of the opinion that such plebiscite [to determine the question of the accession of the State of Jammu and Kashmir to Pakistan or to India] must be organized, held and supervised under its authority". The second resolution contained the following provisions :

> "(1) In the accomplishment of its functions, the Commission of the Security Council [established by the Council's resolution of January 20] shall take into consideration that, among the duties incumbent upon it, are included those which would tend towards promoting the cessation of acts of hostility and violence, and which are of a particularly urgent character.
>
> "(2) In the pursuit of this aim, the Commission shall use every diligence to ensure that its mediatory action be exercised without delay."

The representatives of the United States, Canada, China, France and Syria supported the draft resolutions submitted by the President.

The representative of the United Kingdom, while supporting the two draft resolutions, suggested that the Commission should be regarded primarily as one to apply a settlement made in the Council. He thought that the crucial point regarding a plebiscite was that it would have to be considered fair by all concerned.

The representative of India opposed both draft resolutions. He considered that the one relating to the cessation of fighting was far too innocuous to achieve its aim: the concrete proposals that India had tried to make to that end had apparently been brushed aside. He asked that the aid furnish-

Digitized by Google

ed by Pakistan to invading tribesmen should be considered a threat to the peace within the meaning of the Charter.

At the 239th meeting on February 3, 1948, the representative of India suggested that the Belgian draft resolution regarding the cessation of fighting should be amended to include a recommendation from the Security Council to Pakistan to stop its aid and refuse supplies to the invadors of Kashmir and a recommendation to the Commission to regard as particularly urgent the promotion of measures to bring an end to the fighting and acts of hostility as quickly as possible.

With regard to a plebiscite, he submitted that the actual taking of the plebiscite was a matter entirely for the State of Jammu and Kashmir and its people. The Maharajah of Kashmir, he stated, was prepared to take the steps necessary for the establishment of a responsible government as soon as peace was restored. To bring in an outside administration, however, would represent an amount of encroachment on the ordinary sovereign powers of any state to which no state would be willing to agree. He therefore suggested that the Belgian resolution regarding a plebiscite be amended to the effect that the Security Council recommends that the plebicite be taken under the advice and subject to the observation of persons appointed by the Council".

He stated that unless both draft resolutions were agreed to in the form he had suggested it would be difficult for the Indian delegation to agree to either by itself, as, together these resolutions would represent the maximum concessions which the Indian delegation was prepared to make.

At the 239th and 240th meetings on February 3 and 4, 1948, the representative of Pakistan stated that the views of India and Pakistan differed not on the question of stopping the fighting, but on how it might be stopped. All proposals which India had thus far advanced left a gap between the withdrawal of the tribesmen and the end of the fighting. Once the tribesmen had been withdrawn or had been forced out, the fighting would not end, as argued by the representative of India. He explained that the Pakistan proposal which

Digitized by Google

had been submitted to the President on January 27 in the form of a draft resolution, was based on the expressed views of the members of the Council.

Noting that the acceptance of accession was provisional and that the final decision would be taken by means of a plebiscite, he said that it was therefore irrelevant to inquire whether the holding of a plebiscite came under international jurisdiction or not.

He objected to the Indian proposals on the ground that they called for the retention of Indian troops in Kashmir to maintain law and order, and for an interim regime to be headed by Sheikh Abdullah during the period leading up to the plebiscite.

The Pakistan delegation was prepared to accept the two draft resolutions presented by the representative of Belgium, in the light of observations and conditions expressed during the Council's discussion to the effect that hostilities had to be ended by a fair and acceptable settlement, which should be followed up by a plebiscite which would appear fair to all concerned.

The representative of Argentina said that his delegation would not be able to vote for any resolution which did not provide thas a plebiscite be prepared, held and conducted under the authority of the Security Council. The matter having been referred to the Council, the latter had a perfect right to decide the solution that it wished to see adopted. He was convinced that, if the people of Kashmir were assured that they themselves would decide their future, they would lay down their arms and the tribes would withdraw.

The representative of the United States started that an interim government need exist only for such time as was necessary to set up machinery for the holding of a fair plebiscite, after which time such a government would have no more authority. In his view, what was involved was the external sovereignty of Jammu and Kashmir, He cited authorities to support the view that the Maharajah would not lose his sovereignty through the formation of an interim administration, but would merely be exercising it to meet an emergency.

Digitized by Google

India, he considered, was fully authorized to go through with all the negotiations that were necessary to bring about a solution of this problem.

At the 241st meeting on February 5, the representative of China expressed the view that the Security Council might well recommend to the Government of Pakistan that its legal and moral influence should be thrown in the direction of pacification, and that the tribesmen should be stopped from further fighting. In addition, he recommended that the Council should appeal to the Government of India to withdraw its troops gradually from Kashmir. He suggested that, after the fundamental principles had been determined by the Council, large discretionary powers should be left to the Commission.

The representative of France stated that the attention of the Security Council should be directed to the plebiscite question. He associated himself with the opinion that a plebiscite would not bring into question either the person or the sovereignty of the Maharajah. He suggested that, prior to the holding of a plebiscite, an interim authority composed of the chiefs of the National Conference and of the Muslim Conference should be established.

The representative of the United Kingdom thought that what was wanted was a real and total cessation of fighting, and considered that it would be easier for the Security Council itself to obtain the agreements and concessions which might be required on both sides. He maintained that a plebiscite was vital to end the fighting and that it must be fair in the view of all concerned. He thought that the Belgian draft resolutions were inadequate, as they did not meet with the approval of both parties.

Colombian Draft Resolution

Also at the 241st meeting on February 5, the representative of Colombia presented a memorandum which was later, at the 24th meeting on February 11, submitted as a draft resolution (S/671). This resolution took note of the

Digitized by Google
Digitized by CAG-MHRD

agreement of the parties that the question of the accession of Jammu and Kashmir should be settled by a plebiscite under international auspices. It declared that in the view of the Council the plebiscite was the most desirable and democratic method of determining the future status of the Jammu and Kashmir State, provided the will of the people was given free, fair and unfettered expression and further that an interim administration, which would command the full confidence and respect of the people of Jammu and Kashmir, was essentials to the attainment of the aims and purposes of the Colombian resolution. The resolution provided that the membership of the Commission set up under the resolution of January 20 should be increased to five: one member to be chosen by India, one by Pakistan, and three by the Security Council. It provided also that the Council should recommend to Pakistan to use all efforts to persuade the invaders to withdraw. In this connection the Commission should seek to ensure co-operation between the military forces of India all Pakistan to bring about the cessation of fighting Jammu and Kashmir and to maintain order and Security until the question of accession was determined by the plebiscite. The Council should further recommend that the emergency administration of Jammu and Kashmir be reorganized by the advice of the Commission, giving adequate porportional representation to the different groups and interests in the population. After the fighting had ceased (a) all citizens of Jammu and Kashmir who had left on account of the recent disturbances were to be invited to return and to exercise their rights without any restrictions on legitimate political activity, (b) there was to be no victimization and (c) all political prisoners were to be released. The plebiscite would be organized under the advice and supervision of the Commission.

Sheikh Mohammed Abdullah, as representative of India, said that the subject of the dispute before the Council was not the administration of the State of Kashmir, but the aid being given by the Pakistan Government to tribesmen invading the State. He headed the emergency administration of Kashmir, he said, because the people of his country wished

Digitized by Google

him to be at the helm of affairs. He pointed out that anyone replacing him could not be impartial, for the people of Kashmir were in favor either of Pakistan or of India. Pakistan's request for an outside administration meant that the people of the State should have no hand in the running of the country. As far as the Indian Army was concerned, he saw no reason to fear that it would interfere with the exercise of a free vote, as a Commission of the Security Council would see to it that troops would be stationed only at certain strategic points.

The representative of India, at the 242nd meeting on February 6, stated that the questions of accession and the holding of a plebiscite were matters that came within the ambit of internal sovereignty. Referring to the memorandum submitted by the representative of of Colombia, he stated that the paragraph dealing with recommendations to Pakistan should be strengthened. He stated further that he could not agree that the Commission should have any jurisdiction with regard to the reorganization of the emergency administration or that the Commission could exercise any functions of an executive character.

The representative of Pakistan said that Sheikh Abdullah's statement showed how much impartiality could be expected from an administration under him. No one had expressed any desire to deprive the people of Kashmir of thier due share in the administration of their own country; all that was suggested was that the authority of the administration should be impartial hands during the interim period. He charged that the object of the Indian scheme was to prevent a plebiscite from being held until the power and authority of Sheikh Abdullah's Government had been consolidated over the whole of Kashmir. He stated further, at the 244th meeting on February 11, that the Azad Kashmir Government (the provisional Government organized by the Muslim insurgents of Jammu and Kashmir) would not lay down arms if the only part that the United Nations was to take in a plebiscite would be to observe it. A Commission that merely observed, or even supervised, the actual polling and recording of votes,

Digitized by Google

would not be able to gauge what pressure might be brought upon the people.

Request for Adjournment

At the 244th meeting of the Council on February 11, the President reported a request from the representative of India to adjourn proceedings on the India-Pakistan case, to enable his delegation to return immediately to New Delhi for consultation.

After some discussion at the 244th, 245th and 246th meetings about the desirability of such a precedent as would be involved in the return home of the Indian delegation during the consideration of a dispute in which India was a party, the President stated that, unless a grave emergency arose, the Council would direct its attention to aspects of the India-Pakistan question other than that of Jammu and Kashmir.

Continuation of the Discussion of the Jammu-Kashmir Question

At the 265th meeting on March 9, after the return of the respresentative of India, the Council resumed its consideration of the Jammu and Kashmir question.

The representative of India, reporting on the consultations he had held with his Government, stated that it had explored all avenues of reaching a settlement. The settlement which his Government desired would put an end at the earliest possible moment to the fighting that was going on and would lay the foundations for a more permanent understanding between the two countries. He hoped that the Security Council would realize that the highest priority must still be given to the measures that should be taken to stop the fighting in Kashmir.

With regard to the proposal to substitute a neutral administration for the one now functioning, he considered that a fundamental constitutional issue was involved. Any attempt to demand that the internal administration of a

Digitized by Google

sovereign state should be put into the hands of an outside agency, he stated, was an unthinkable proposition; he urged the Security Council not to press the idea. In this connection he drew attention to a proclamation which had been issued by the Maharajah of Jammu and Kashmir since the Council had last considered the matter, and which made the following points: (1) full responsible government was conceded to the people of the State; (2) suitable machinery should be set up as early as possible to frame a constitution to that end; (3) the emergency administration would be converted into a regular Council of Ministers under the existing State constitution. He had received a cable from the head of the new Council of Ministers stating that he was endeavoring to include in his Cabinet representatives of schools of political opinion other than his own.

With regard to the question of the retention of the armed forces of India, he stated that if there was anything short of complete withdrawal that could be done for the purpose of ensuring non-interference with the plebiscite, the Indian delegation would be quite prepared to receive suggestions. The retention of the armed forces was an obligation of India to the State of Jammu and Kashmir, for ensuring its defence from external aggression and for aiding him to maintain internal law and order. He was anxious, the representative of India declared, that the machinery for conducting the plebiscite should have as much independence as possible, consistent with the maintenance of the sovereignty of the Jammu and Kashmir State and of its proper relations with the Government of India.

The representative of Pakistan said that the position of the Indian delegation on the question under discussion was exactly the same as when the proceedings had been adjourned. What had been represented as a great concession —the non-interference of the armed forces of India with a plebiscite in Kashmir—had been implicit in the situation all the time. He streeted that the Government of India and the Mharajah of Kashmir, in issuing the proclamation referred to by the representative of India, had taken a step

Digitized by Google

which, far from contributing and a solution of the problem, made that solution much more difficult. He asserted that, if a plebiscite were held under the conditions proposed by the representative of India and the result disclosed a majority to be in favor of accession to India, it was unlikely to be accepted as a fair and just decision. He contended that it was impossible to eliminate the possibility of pressure by a partial administration.

If, among the conditions submited by the Pakistan delegation as essential for holding of a free plebiscite, there was any condition to which even a suspicion might attain that its acceptance would in any way put pressure upon any portion of the electorate to voted in favor of Pakistan, the Pakistan delegation would withdraw that condition. As for the conditions insisted upon by the representative of India, there was clear evidence and well-founded apprehension that they would in themselves amount to pressure and coercion upon the people to vote on the other side.

Chinese Draft Resolution

At the 269th meeting on March 18, 1948, the President, speaking as the representative of China, introduced a draft resolution (S/699) which provided that tne Security Council recommend to the parties acceptance of the following Articles of Settlement :

The Government of Pakistan would undertake to use its best endeavors (a) to secure the withdrawal from Jammu and Kashmir of intruding tribesmen and Pakistan nationals; (b) to prevent and further intrusion into the State by denying transit through and bases in Pakistan territory, and by forbidding the furnishing of military and other supplies to all elements engaged in hostility or violence against the State; (c) to persuade all intruders that the present Articles of Settlement, accepted by India and Pakistan, provided full freedom to all inhabitants of the State, regardless of creed, caste or party, to express their views and to vote on the question of

Digitized by Google

accession of the State, and that therefore they should cease fighting and co-operate in the maintenance of peace and order.

The Government of India for its part was to withdraw its troops from Jammu and Kashmir progressively, but if, for purposes of defence and security, a certatn portion was left, those troops should be stationed at such points as not to afford any intimidation, or appearance of intimidation, to the inhabitants of the State. The Government of India was to establish in Jammu and Kashmir a plebiscite administration with the sole and full authority to administer a plebiscite on the question of accession of the State. The top officers of the plebiscite administration were to be neutral international personalities nominated by the Secretary-General of the United Nations, but would consider themselves, for the time being. as officers of the State of Jammu and Kashmir. They would have the authority to nominate their subordinates and to frame the regulations which would govern the plebiscite. In order to respect the sovereignty of a member State, however, such nominees were to be formally appointed and regulations formally promulgated by the State of Jammu and Kashmir.

Further, the Government of India was to undertake to prevent any threat, coercion or intimidation on the voters in the plebiscite and was so cause this undertaking to be known to all concerned as an international obligation binding on all public authorities in Jammu and Kashmir. The Government of India should use, and should request the Govsrnment of the State to use, its best endeavors to effect the withdrawal from the State of Indian nationals not normally resident therein who entered it for unlawful purposes since August 15, 1947.

The Government of India should also urge the State government to ensure that (a) all citizens who had left the State on account of the disturbances were invited to return and were free to exercise all their rights as citizens; (b) there was no victimization; (c) all political prisoners were released; (d) minorities in all parts of the State were accorded adequate protection.

Digitized by Google

The Commission of the Security Council was to certify to the Council after the plebiscite whether the plebiscite had been really free and impartial. The Government of India was to use its best endeavors to ensure that, in the composition of the interim government of Jammu and Kashmir, provision was made for adequate representation of all major political groups in the State. The Government of India was to appoint an official of high standing to be stationed in the State during the interim period, who would have the power to cause to be fulfilled by the State Government all international obligations arising out of the Articles of Settlement. The Security Council, finally, was to instruct it Commission to offer its good offices and mediation in the implementation of the above Articles of Settlement.

The representative of Pakistan, referring to this draft resolution, recalled that the Government of India had undertaken that its troops, in Kashmir for the sole purpose of repelling the raiders, would not be kept there a moment after that object had been attained and law and order restored. This would have to be achieved before the plebiscite could be held. With regard to the proposals in the Chinese draft resolution for ensuring a fair plebiscite, he asked how, though overt pressure might not be applied, the Commission could ensure elimination of other forms of pressure, and on what basis the Security Council would judge whether the plebiscite had or had not been fair or impartial if some evidence of pressure did come to the notice of the Commission.

Regarding the proposal for the appointment by the Indian Government of a high official to be stationed in the State with the power to cause to be fulfilled by the State Government all international obligations arising out of the Articles of Settlement, he stated that the Commission might accept this officer's interpretation of conditions so that, given the delicacy of the situation, this proposal might operate to the prejudice of Pakistan and in favor of the Dominion of India. If the proposed resolution failed to bring about a settlement that would persuade the Azad Kashmir Government to lay down its arms, it would fail to

Digitized by Google

achieve anything, the representative of Pakistan stated, and he doubted whether terms of this draft resolution could have that effect upon the Azad Kashmir Government.

The representative of India stated that, before a plebiscite could be considered, the fact that those fighting the Governments of Kashmir and India had received aid from Pakistan had to be recognized; and an undertaking had to be obtained from the Government of Pakistan that it would do its utmost to prevent such assistance. In the matter of the withdrawal of troops from the State, he took it that the Security Council recognized that, even after fighting had stopped, troops would have to be retained to maintain law and order, and that in the circumstances, such troops could only be Indian Army troops.

The Government of India was willing, he stated further, to eliminate the influence of the administration in practically all matters relating to the conduct of the plebiscite; he thought this about the utmost that the Security Council could afford to request in this respect. While he might have something to say later about details, he thought that the Government of India was quite prepared to consider the Chinese draft resolution on its merits without serious modification.

The President, speaking as the representative of China, stated that apparently his draft resolution was opposed by the representative of Pakistan as not going far enough and not providing adequate safeguards. He thought that the Security Council should aim at the maximum agreement possible between the two delegations, but that some margin of disagreement would remain.

The representative of France considered that the Chinese draft resolution constituted a kind of synthesis of previous draft resolutions and he hoped that the Security Council would carry on its work on the basis of amendments to this draft resolution. He thought that the territory of Jammu and Kashmir clearly had to be provided with forces necessary to guarantee the maintenance of law and order. Experience seemed to him to show that a satisfactory plebiscite could be held

Digitized by Google

only where there was an authority and a force to ensure public order.

Resolution of the Council of April 21, 1948

At the 284th meeting on April 17, 1948, the President, speaking as the representative of Colombia, together with, the representatives of Belgium, Canada, China, the United Kingdom and the United States, introduced the following draft resolution (S/726) :

"*The Security Council*

"*Having considered* the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan;

"*Being strongly of the opinion* that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting;

"*Noting with satisfaction* that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite;

"*Considering* that the continuation of the dispute is likely to endanger international peace and security,

"*Reaffirms* the Council's resolution of 17 January;

"*Resolves* that the membership of the Commission established by the resolution of the Council of 20 January 1948 shall be increased to five and shall include, in addition to the membership in that resolution, representatives of...and... [to be elected later] and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Digitized by Google

"*Instructs* the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution, and to this end,

"*Recommends* to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

"A. *Restoration of Peace and Order*

"1. The Government of Pakistan should undertake to use its best endeavours :

"(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who entered the State for the purposes of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State.

"(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

Digitized by Google

"2. The Government of India should :

"(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

"(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

"(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

"(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State,

"(ii) That as small a number as possible should be retained in forward areas,

"(iii) That any reserve of troops which may be included in the total strength should be located with in their present base area.

3. The Government of India should agree that, until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

Digitized by Google

"4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

"5. If these local forces should be found to be inadequote, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. *Plebiscite*

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite, including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should at the request of the Plebiscite Administration make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United

Digitized by Google

Nations will be appointed to be the Plebiscite Administrator.

"(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir should have authority to nominate his assistants and other sub ordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

"(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

"(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service of his assistants and subordinates.

"(e) The Administrator should have the right to communicate direct with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstance arising which may tend, in his opinion, to interfere with the freedom of the plebiscite.

Digitized by Google

"11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the votes in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

"12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

"13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

"14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that :

"(a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as citizens;

"(b) There is no victimization;

"(c) Minorities in all parts of the State are accorded adequate protection.

"15. The Commission of the Security Council should, at the end of the plebiscite, certify to the Council whether the plebiscite has or has not been really free and impartial.

Digitized by Google

C. General Provisions

"16. The Governments of India and Pakistan should, each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

"17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

"18. The Security Council Commission should carry out the tasks assigned to it herein.

Commenting on the draft resolution, the President stated that it represented the most considered views of the sponsors on the best approach they could propose to this problem.

The representative of Canada stated that this draft resolution would fail to achieve its purpose if the two parties themselves did not continue to make every effort to come together and cooperate in respect to its implementation.

The representative of China stated that he did not know of any previous plebiscite where the safeguards for freedom and impartiality had been so numerous and strict as those provided for in his draft resolution. He noted that nothing in the draft impaired the inherent right of self-defence in the event that the calculations of the sponsors were wrong and a large invasion of Jammu and Kashmir were to take place. Referring to paragraph 6 of the draft resolution dealing with the representation of major political groups in the conduct of the administration, he stated that this provision was for the purpose of ensuring that there would be no undue administrative interference with the plebiscite.

The representative of the United Kingdom doubted whether any peaceful settlement could be obtained at all unless the problem could be solved on the basis of the formula given in paragraph 6. He was convinced that the measures in this draft resolution would lead to an honest plebiscite and a fair and just result; and he was certain that

Digitized by Google

there was nothing in the resolution which the Indian Government could not safely and honorably accept.

The representative of the United States stated that this plan was not a final solution. It did not pretend to be more than a recommendation, involving the creation of a subordinate organ representing the Security Council to help the two parties in accordance with their request.

The representative of France supported the draft resolution.

At the 285th meeting on April 19, the representative of India stated that it was a matter of profound disappointment to the delegation of India that the Chinese draft resolution of March 18 (S/699) had been twisted out of shape in its essential particulars. That scheme had been so attenuated in the draft resolution now before the Council that the delegation of India was uable to agree to it.

He stated that the Government of Pakistan had made no attempt since the resolution of January 17 to prevent any intrusion of raiders into the State or any furnishing of aid to those fighting in the State. The failure of the present draft resolution to mention the persistent and continuing breach of an international obligation and to call upon Pakistan to repair that breach was a grave one. The accession of Kashmir to the Dominion of India subsisted and would continue to subsist unless the plebiscite to be held went against India. Until then, Pakistan had no constitutional position in Jammu and Kashmir and there could be no case for allowing the intervention of Pakistan at any stage. The whole of the State, including the area now under the control of the rebels and raiders, would have to come under one government after the fighting ceased; and India, which under its instrument of accession was responsible for the defence of the State, would have to station garrisons on the State's western frontiers. He also opposed paragraph 6 of the draft resolution; which dealt with the representation of major political groups in the conduct of the administration, stating that to think of a coalition government in such circumstances was to invite a paralysis of the Kashmir administration during the period that was in

Digitized by Google

contemplation. Reduction of the strength of the Indian Army in Kashmir should not be carried below the minimum required not only for the maintenance of law and order, but also for defence against external aggression. He could not agree to paragraph 5, which was a round about method of trying to introduce Pakistan forces into the Jammu and Kashmir State. He opposed the provision vesting direction and supervision of State forces and the police in the plebiscite Administrator, and that giving the Administrator the liberty of communicating directly with an outside Government.

The representative of India stated that if the draft resolution was carried despite the objections and opposition of the delegation of India, his Government would have to decide its course of action in the circumstances so created.

The representative of Pakistan contended that, with regard to the two main matters in dispute, the withdrawal of the armed forces of India and the setting up of an impartial administration, the draft resolution, did not proceed on the principles which the Security Council itself had thought essential. If both Dominions were vitally interested in the plebiscite, and if fair conditions had to be brought about to prevent any prejudice to either party's position, the draft resolution was too one-sided. The continuation of Sheikh Abdullah at the head of the Kashmir Government was bound to influence heavily in favour of India the fairness and impartiality of the plebiscite.

The draft resolution, the representative of Pakistan stated further, did not provide for the contingency that the Pakistan Government, in order to discharge obligations under this resolution, might have to have at its disposal a certain number of its forces. He stated that if "forward areas" (see paragraph A 2(c) (ii) meant any areas at present under the control of the Azad Kashmir (Muslim) forces, they would not agree to lay down their arms and allow occupation of their areas by an Indian army. He thought there was a contradiction between paragraphs 5 and 9. He asked the meaning of paragraph 6, which he thought should be made clearer. Past

Digitized by Google

victimization had to be neutralized if there was to be no victimization.

He submitted some suggestions for amendments to the draft resolution. One suggestion called for the stationing of Pakistan troops in predominantly Muslim areas, and of Indian or State troops in predominantly non-Muslim areas. He also proposed that there should be equal representation in the Government of the State for each major political group—namely, the National Conference, the Muslim Conference and the Azad Kashmir, which would each be invited to designate an equal nomber of responsible representatives.

At the 286th meeting on April 21, the representative of Syria stated that if the Government of Pakistan was not convinced that a free plebiscite would be guaranteed by the joint resolution, it could not be expected to convince others. In that case, the Indian forces in Kashmir would continue to fight with the tribesmen and with the opposing party, in order to try to establish peace, and the proposed resolution would not be effective in leading towards a peaceful solution of the matter. As long as the draft resolution did not have the support of both parties, he preferred to abstain from voting.

The representative of the United States stated that paragraph 6, concerning the representation of major political groups in the interim administration, did not mean that the predominantly Muslim character of the population of the State should be a criterion, or that any undue advantage should be given to one group merely because it held power at the present moment. The principle involved was that of neutralization of the Government in so far as the issue of accession was concerned.

The Council then adopted the draft resolution (S/726) paragraph by paragraph. At the 287th meeting on April 23, Belgium and Colombia, in accordance with the terms of the resolution adopted at the previous meeting, were added to the Commission by 7 votes in favour to 0 against, with 4 abstentions (Belgium, Colombia, Ukrainian S.S.R., U.S.S.R.). At the 289th meeting, on May 7, 1948, the President designated the United States as the third member of the Commission,

Digitized by Google

in view of the failure of Argentina (selected by Pakistan) and Czechoslovakia (selected by India), to agree upon a third member.

The representative of India at the 290th meeting on May 7, read a letter (S/734) addressed by the Prime Minister of India to the President of the Security Council. The Government of India regretted that it was not possible for it to implement those parts of the resolution of April 21 to which their objections had been clearly stated by the Indian delegation. If the Council should still decide to send out the Commission referred to in the preamble of the resolution, the Government of India would be glad to confer with it.

Consideration of Other Matters

While the Council adjourned its consideration of the Jammu and Kashmir question to permit the representative of India to return to New Delhi for consultation, it turned to the question of Junagadh and other states, the first of the other matters in the Pakistan complaint against India.

(1) *Question of Junagadh and Other States*

At the 250th and 257th meetings on February 18 and 26, the Council heard statements by the representative of India and Pakistan.

The representative of Pakistan charged that when the Dominion of India had perceived that Junagadh was contemplating accession to Pakistan, India had not only protested to Pakistan, but had taken various steps to make life intolerable within Junagadh for its people. In violation of the standstill agreement with Pakistan, the Indian Government had cut off all communications and supplies.

In the meantime, while exchanges had been taking place between the Government of India and the Government of Pakistan, a so-called provisional government of Junagadh had been set up on Dominion of India territory and had taken possession of certain Junagadh property in that territory.

Digitized by Google

Under the leadership of the so-called provisional government, raids had taken place on Junagadh territory, culminating in an ultimatum which had compelled the State Prime Minister of Junagadh to ask the Regional Commissioner of the Indian Dominion for assistance in keeping law and order. Thereupon, the forces of the Dominion of India marched into and occupied Junagadh State; they had been in possession since that time. The Government of Pakistan regarded this as a direct act of hostility on the part of the Indian Government against Pakistan; as Junagadh had acceded to Pakistan, the Government had no right to intervene in the territory. A plebiscite which the Government of India had held in Junagadh had not in fact been free, the representative of Pakistan declared. He further stated that on October 22, 1947, Indian Dominion troops had occupied the neighboring State of Manavadar and had removed the ruler.

Pakistan desired that the Government of India should, of its own accord or through some action of agency of the Security Council, withdraw Indian forces from Junagadh and restore the rulers of Junagadh and Manavadar to their States so that normal administration should be restored. The Pakistan Government desired, in addition, that such people in Junagadh as had suffered at the hadds of the military forces or officials of the Dominion of India should be restored to their homes and property and be compensated for any losses.

The representative of India stated that the Government of India had undertaken that, if circumstances required, a new and free plebiscite could be arranged under suitable auspices in Junagadh. He stated that it had always been understood that in assuring the option of accession to either Dominion, the Indian State concerned would not take an arbitrary decision, but would take into account considerations such as geographical contiguity. By all rules of reason, Junagadh and the other States whose accession was in dispute ought to have acceded to the Indian Union.

Reviewing the situation in Junagadh after its accession to Pakistan, he said that the ruler and his Prime Minister had

Digitized by Google

fled to Karachi, the administration, had soon collapsed, and the so-called economic blockade had been nothing more than the chaos resulting from the breakdown of the administration of Junagadh. Though Junagadh had acceded to Pakistan, the Government of India had been the only party in a position to render prompt and effective assistance in maintaining order; this was clear evidence of the lack of wisdom of Junagadh's so-called accession to Pakistan. With regard to the occupation of Manavadar by Indian troops, he stated that the Government of India, because it had reliable reports that the Khan of Manavadar was importing Muslim refugees from the Indian Union with a view to setting up Muslim domination in Manavadar and to terrorizing the Hindu population, and because the situation had so developed that a communal flare-up was almost imminent, had interfered to prevent such a development.

The position of the Government of India was that, far from occupying Junagadh unlawfully, it had endeavored to settle the question of accession by peaceful means, but had received no co-operation at all from Pakistan. Even so, it had not taken over the administration or interfered with the affairs of Junagadh, or sent its forces into the State until a formal request had been received from the Prime Minister of Junagadh. He maintained that the Government of India, in all matters relating to the accession of Indian States, had throughout followed a view consistent policy—namely, that the option of accession should be exercised by a State with due regard to its geographical position and with due regard to the wishes of the majority of its people.

In a further statement the representative of Pakistan called for the same action in the case of Junagadh as in that of Kashmir—namely, to agree upon the conditions under which a plebiscite was to be held and to implement the agreement as early as possible.

At the 264th meeting, on March 8, 1948, the representative of India remarked with regard to the restoration of the administration of the State of Junagadh to the ruler, which he considered to be the main demand made by Pakistan, that

Digitized by Google

there was no remnant of the old administration to be restored in Junagadh. In view of recent political developments in Kathiawar, he considered that there could not be serious talk of such a restoration.

If the Security Council had no objection, a new plebiscite might be held, however, to decide not only the question of accession, but also the questions of the restoration of the ruler and the incorporation of Junagadh in the United States of Kathiawar.

At the 289th and 290th meetings on May 7, the Council continued its consideration of the dispute over Junagadh and other States.

The representative of Pakistan drew the Council's attention to a scheme addressed to the President of the Security Council by the Pakistan delegation on April 26. This proposal he stated, was much the same as that adopted by the Security Council with reference to Kashmir, except that the Commission and the Plebiscite Administrator were to be given the widest possible powers. He again requested the restoration of the rulers of the States concerned to their positions.

The representative of India stated that the Security Council should consider seriously whether the United Nations should undertake the trouble and expense of holding another plebiscite so that practically the same result could be obtained.

(2) *Non-Implementation of Agreements*

At its 289th and 290th meetings the Council also considered the matters raised by the Pakistan delegation other than the Kashmir and Junagadh questions. The representative of Pakistan stated that under the heading of non-implementation of agreements the Security Council had only one question to deal with—namely, the division of military stores. He asked that the Commission be charged with the duty of supervising the implementation of the agreement on the division of military stores, since delivery of that portion of the stores Pakistan was to receive from India was still in a most unsatisfactory condition.

Digitized by Google

The representative of India stated that the hoped that even if the Commission appointed by the Security Council went to India and Pakistan, it would endeavor to refrain from considering matters which were being daily discussed and attended to by the two Governments. The question of military stores belonged in this category.

(3) *Genocide*

With regard to the charge of genocide the representative of Pakistan submitted documents giving account of the organized measures of Sikh and Hindu extremists against the Muslims of the East Punjab. Atrocities and massacres, he stated, had also occurred in the West Punjab, but there was the distinction to be drawn that, in the East Punjab, the massacre of Muslims and the atrocities committed against them had been systematically carried out. Pakistan did not shirk a joint inquiry, and would agree to the same conditions being imposed on both sides. An agreement had been arrived at recently, mainly with reference to East and West Bengal, concerning the treatment to be accorded to the minorities in each Dominion; but what was actually happening, the representative of Pakistan stated, left little room for hope—unless the question was dealt with at an international level—that such massacres and atrocites would not continue to occur in various parts of the Indian Dominion.

The representative of India stated that what Pakistan called genocide had been merely a communal convulsion which had to be attributed directly to the preachings of the Muslim League for a quarter of a century. Drawing attention to agreements recently reached with the Pakistan Government at a meeting in Calcutta, he submitted that this was a matter which could be tackled by the two Governments concerned.

(4) *Resolution of the Council of June 3, 1948*

At the 304th meeting on May 26, the President stated that, in connection with matters in the India-Pakistan question

Digitized by Google

other than the Jammu-Kashmir dispute, the best solution would be to enlarge the Commission's terms of reference to cover these matters, so that, at a later date, they could either be dealt with by the Commission or taken up again in the Council.

The representative of India stated that he could not agree that the matters other than the Jammu and Kashmir questions were of sufficient importance to be referred to the Commission.

The representative of Pakistan contended that the issues other than Jammu and Kashmir, while less urgent, could not be regarded as of lesser significance in the totality of relations between the two Dominions.

At the 312th meeting on June 3, 1948, the representative of China said that he considered the question of Junagadh to be comparable to that of Kashmir, though priority should be given to the latter. He suggested that Pakistan should drop its charges of genocide and non-implementation of agreements.

The representative of Pakistan stated that he was unable to accept the suggestion of the representative of China that the questions of genocide and non-implementation of agreements should be dropped by his Government.

The following draft resolution was then submitted by the President, speaking as the representative of Syria, as amended by the representative of the United Kingdom (S/819):

"*The Security Council*

"*Reaffirms* its resolutions of 17 January 1948, 20 January 1948 and 21 April 1948;

"*Directs* the Commission of Mediation to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by the resolution of 21 April 1948; and

"*Directs* the Commission further to study and report to the Security Council when it considers it appropriate on the

Digitized by Google

matters raised in the letter of the Foreign Minister of Pakistan, dated 15 January 1948, in the order outlined in Paragraph D of the resolution of the Council dated 20 January 1948."

The Council adopted this resolution by 8 votes in favour to 0 against, with 3 abstentions (China, Ukrainian S.S.R. U.S.S.R.).

At the 315th meeting on June 8, the President drew attention to a letter dated June 5, 1948, from the Prime Minister of India (S/825), expressing surprise at the decision of the Council to extend the task of the Commission to study matters other than the Jammu-Kashmir question in the Pakistan complaint.

The representative of China said that he could not help thinking that the letter was based in part upon a misapprehension. The Security Council had in fact not delibrated on these three questions, but had only instructed the Commission to gather information and report. A straightforward explanation of that kind would remove the misunderstanding to the effect that the Security Council had made up its mind or had intended to cast some slur or slight on the Government of India.

After some discussion, it was decided that the President should reply to the Prime Minister of India in accordance with the suggestions made by the representative of China. The President did so in a letter dated June 9, 1948.

United Nations Commission for India and Pakistan

After holding preliminary meetings in Geneva starting on June 21, 1948, the Commission of Mediation proceeded to the sub-continent of India, where it stopped in Karachi from July 7 to 9 before proceeding to new Delhi. The Commission immediately initiated inquiries with India and Pakistan concerning the question of a ceasefire, and after hearing views from both Governments, it undertook, on August 10, to draft a cease-fire proposal.

Digitized by Google

The United Nations Commission for India and Pakistan, as the Commission of Mediation became known, on August 13, 1948, adopted a resolution (S/995) calling for a cease-fire order to apply to all forces under the control of India and Pakistan in the State of Jammu and Kashmir as of the earlier practicable date. Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities, the resolution called upon both Governments concerned to accept certain principles as basis for the formulation of a true agreement. Among these principles were the following: the withdrawal of Pakistan troops from Jammu and Kashmir; the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident there who had entered the State for the purpose of fighting; after the withdrawal of such tribesmen and Pakistan nationals and while Pakistan forces were being withdrawn from Jammu and Kashmir, the withdrawal from that State of Indian forces in stages to be agreed upon with the Commission; the temporary maintenance in the State of Indian forces which in agreement with the Commission were considered necessary to assist local authorities in the observance of law and order; the stationing by the Commission of observers where it deemed necessary; and the undertaking by India to ensure that the Government of the State of Jammu and Kashmir would take all measures within its power to make it publicly known that peace, law and order would be safeguarded and all human and political rights guaranteed. The resolution finally called upon India and Pakistan to reaffirm their wish that the future status of the State of Jammu and Kashmir should be determined in accordance with the will of the people. To that end, upon acceptance of the Truce Agreement, the resolution called upon both Governments to agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression would be assured.

In a letter, dated August 20, 1948, to the Commission, the Prime Minister of India declared that his Government had decided to accept the Commission's resolution.

Digitized by Google

In a letter and memorandum dated August 19 and a letter dated September 6 (S/995) to the Commission, the Minister of Foreign Affairs and Commonwealth Relations of Pakistan asked for certain clarifications and elucidations to the Commission's resolution. The letter of September 6 stated that Pakistan agreed to accept with certain reservations the proposals contained in the Commission's resolution.

In a letter, dated September 6, to the Minister of Foreign Affairs and Commonwealth Relations of Pakistan, the Chairman of the Commission declared that the Commission was prepared to consider at an early occasion the questions raised by Pakistan.

At the request of the Commission, its resolution and correspondence (S/995) were distributed to the Security Council.

The Commission on September 19, adopted the following resolution (S/1009) and instructed the Secretary-General's personal representative with the Commission to transmit it through the Secretary-General to the President of the Security Council :

"The United Nations Commission for India and Pakistan, having decided to leave for Europe to prepare an interim report to the Security Council on the present situation in the State of Jammu and Kashmir, hereby resolves to appeal to the Governments of India and Pakistan to use their best endeavours during the absence of the Commission to lessen the existing tension in this dispute so as further to prepare the ground for its peaceful final settlement, which both Governments have declared to be their most sincere and ardest desire."

At the 139th to 145th plenary meetings of the General Assembly from 23 to 27 September 1948, there were occasional reference to the India-Pakistan difficulties. The representative of the United States observed that it was an issue charged with grave dangers and one of the questions affecting world peace. He was hopeful that, as a result of continued mediation and negotiation, the Kashmir issue might be to a

Digitized by Google

successful conclusion through the processes of peaceful settlement. The representative of China was also encouraged to believe that, with the help of the United Nations, the difficulties between the two nations might be resolved in a conciliatory spirit and in such a way as to strengthen their mutual friendship.

In pointing out that violence had taken place in many parts of India and Pakistan during the past twelve months, the representative of India recalled that her Government had taken the initiative in asking the Security Council to investigate the causes of the dispute. She maintained that India had co-operated fully with the Commission appointed by the Security Council, and expressed the hope that the Commission's report would pave the way to a speedy restoration of peace. The representative of Pakistan held that India's claim to co-operation might be open to question, in as much as India had refused to accept proposals advanced by the Council in relation to various phases of the dispute. He insisted that his own Government had consistently assured the Commission of its full co-operation in the implementation of any proposal which was in conformity with the directives laid down by the Council. Representatives of both countries limited their comments in view the fact that the question was under consideration by the Security Council.

The India-Pakistan differences were also introduced during the discussion of the Draft Convention on Genocide at the 63rd to 64th meetings of the Sixth Committee on 30 September and 1 October. The Pakistan delegation cited extracts from speeches made by Sikh leaders and referred to newspaper articles and the activities of certain organizations, in support of his contention that, as a result of incitement, some hundreds of thousands of Muslims had been exterminated in various parts of India. The charges were vigorously repudiated by the representative of India who described the statement as an effort to divert attention from Pakistan's own guilt in Kashmir.

On 7 November 1948 the United Nations Commission for India and Pakistan adopted its first interim report

Digitized by Google

(S/1100), reviewing the Commission's activities for the period 15 June to 22 September 1948. This report was included in the agenda of the 382nd meeting of the Security Council, held in Paris on 25 November, as was a communication from the Minister of Foreign Affairs for Pakistan relating to alleged reinforcements and movements of Indian troops in Kashmir. The Council was also advised that the Commission had appealed to the two Government to refrain from any action which might aggravate the military and political situaion, and thus endanger the negotiations (S/1087). The Rapporteur of the Commissions, who was invited to the Council table, expressed the hope that the conversations which had commenced on the Indian sub-continent would be continued in Paris between the commission and the delegations of the partica to the General Assembly, with a view to finding a common ground for a peaceful and definitive settlement.

After paying tribute to the Commission for the work it had accomplished, the representative of Pakistan noted that the situation in Kashmir was deteriorating as a result of the actions of the Indian Government. He contended that a purely defensive action had been taken by the Pakistan forces which had entered Kashmir during the course of the preceding six months, but warned that new military countermeasures might be necessary at the risk of ending all possibility of reaching any kind of peaceful settlement. The representative of India maintained his country's right to expel all outsiders from Jammu and Kashmir, and insisted that no major offensive had been contemplated even though Pakistan and Azad Kashmir forces had been attacking the Indian positions continuously. He also stressed the defensive character of the military action taken by his Government and referred specifically to operations in the Ladakh and Poonch areas. In rebuttal, the representative of Pakistan observed that his country had never recognized the accession of Kashmir to India and he countered with the charged that the so-called Indian defensive action had greatly increased the number of refugees.

Digitized by Google

At the close of the debate, the President of the Security Council undertook, with the Council's approval, to communicate with the Commissions, as well as with the Governments of India and Pakistan, confirming the Council's full support of the Commission's work and supporting the Commission's appeal to both parties to refrain from any action which might aggravate the situation and endanger the negotiations.

Assurances were received from both Governments (S/1102 and S/1107) of their intention to adhere to the Commission's request, although it was clearly indicated that circumstances might involve a change of attitude.

In November 1948, a series of informal conversations were held in Paris with respect to the conditions and basic principles of the poposed plebiscite. The results enabled the Commission to formulate proposals which were communicated to the two Governments on 11 December.

On the basis of understandings reached in subsequent conversations held at New Delhi and Karachi, the Governments of India and Pakistan signified their acceptance of the Commission's proposals in communications dated 23 and 25 December respectively (S/1192, Annexes 4 and 5). A resolution embodying the proposals was adopted by the Commission on 5 January 1949, the text being as follows:

"The United Nations Commission for India and Pakistan,

"Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August 1948:

"1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;

"2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce

Digitized by Google

arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed.

"3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

"(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

"(c) The plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

"4. (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

"(b) As regards the territory referred to in A.2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

Digitized by Google

"5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

"6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

"(b) All persons (other than citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.

"7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

"(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

"(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession

Digitized by Google

of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

"(c) All political prisoners are released;

"(d) Minorities in all parts of the State are accorded adequate protection; and

"(e) There is no victimization.

"8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

"9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

"10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

"Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Digitized by Google

Resolves to return in the immediate future to the Subcontinent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

On 7 January 1949 the Commission released a communique to the effect that the Governments of India and Pakistan had ordered the forces under their control in the State of Jammu and Kashmir to cease fire effective at 11:59 p.m. 1 January 1949 (S/1196, Annex VI).

At the 399th meeting of the Security Council on 13 January 1949, consideration was given to the Second Interim Report of the Commission (S/1196), and thee events leading up to the cessation of hostilities were reviewed by the Commission Chairman. Appreciation of the work of the Commission was expressed by the President of the Council, who also commended the Governments of India and Pakistan for their acceptance of the Commissions proposal and for promptly effecting cease-fire arrangements upon their own initiative.

The Commission returned to the Indian subcontinent on 4 February 1949 and began on the implementation of the accepted proposals.

Meanwhile, in accordance with the terms of paragraph 3 (a) of the Commission's resolution of 5 January 1949, the Secretary-General of the United Nations, on 21 March 1949, nominated Fleet Admiral Chester W. Nimitz as Plebiscite Administrator. The nomination was acceptable to the Governments of India and Pakistan, but it was agreed that he should take up his functions only after agreement had been reached between the two parties with respect to:

(a) the provisions of the resolution of 13 August 1948, calling for a cease-fire,

(b) the acceptance of certain principles as a basis for the formulation of a truce agreement,

(c) agreement to enter into consultations with the Commission to determine fair and equitable conditions for a plebiscite.

Digitized by Google

On 28 April, after three months of mediation and discussion, the Commission submitted to the two Governments detailed truce proposals (S/1430/Add.1-Annex 21) and it requested unreserved acceptance of their terms. On 6 June, the Commission reported that the position of the two Governments appeared to be widely divergent on important issues, and neither party was able to accede to the request for unreserved acceptance.

A further examination of the question was undertaken by the Commission with a view to reconciling conflicting opinions, and arrangements were finally made for a meeting of authorized military representatives of both Governments to be held in Karachi under the auspices of a Truce Subcommittee. On 27 July an agreement was signed by the delegations of India and Pakistan whereby a cease fire line was established as a complement to the suspension of hostilities in the State of Jammu and Kashmir (S/1340/Add.1-Annex 26).

The Commission felt that the successful outcome of the Karachi military conference, implementing part I of its resolution of 13 August 1948 which called for a cease-fire order to apply at the earliest practical date to all forces under the control of India and Pakistan in the State of Jammu and Kashmir, indicated that it should now endeavour to bring the two Governments together to discuss jointly the political aspects of the truce.

On 9 August 1949, the Commission invited the Governments of India and Pakistan to joint meetings at ministerial level. However, an exchange of opinions foreshadowed the failure of any such conference and the Commission abandoned the idea. In a final effort to find a solution, the Commission presented a memorandum (S/1430/Add.1-Annex 35) asking the two parties whether they would agree to submit the points at issue to arbitration. The Government of Pakistan (S/1430/Add.1-Annex 37) agreed to the suggested course of action, but the Government of India (S/1430/Add.1-Annex 36) found it impossible to accept the proposal. The Commission decided that it could no longer hope to continue in effective

Digitized by Google

mediation of the differences without a broader field of action and decided to report to the Security Council.

At the 457th meeting of the Security Council on 17 December 1949, consideration was given to the Commission's third interim report (S/1430/Add.1, 2 and 3). The Chairman of the Commission stated that, although the cease-fire order had been made effective as of 1 January 1949, and the demarcation line had beed established as a result of the military conference held in Karachi in July, he was unable to report any substantial progress in the implementation of the succeeding parts of the resolutions of 13 August 1948 and 5 January 1949, in so far as they related to demilitarization and the fulfilment of conditions necessary to the holding of a plebiscite. The Commission was of the opinion that within the framework of its terms of reference, it had exhausted the possibilities of mediation, and it was convinced that the framework of the resolution of 13 August had become inadequate in the light of factual conditions in the State. The Commission also expressed doubt as to whether a five member body was the most flexible and desirable instrument to continue the task. It suggested that the designation of a single person, with broad undivided authority, offered a more practical means of finding the balance and compromise necessary to advance the settlement of the dispute. In the circumstances, the Commission found it necessary to refer the question back to the Security Council.

Several members of the Council spoke highly of the work already achieved by the Commission, followtng which the representative of Norway suggested that the President of the Council be requested to meet informally with the parties concerned and examine with them the possibility of finding a mutually satisfactory basis for dealing with the questions at issue. The representative of the USSR declined to accept the proposal until he had heard statements by the representatives of India and Pakistan. The President observed that representatives of the two countries were sitting at the Council table and had the right to speak if they so desired. As no such desire was expressed, the Council proceeded to vote on the Norwegian

Digitized by Google

proposal which was adopted by 9 votes to none, with 2 abstentions (USSR and Ukrainian SSR).

The minority report, submitted also on 17 December by the representative of Czechoslovakia on the Commission (S/1470/Add.3), criticized certain aspects of the work of the Commission, in particular, for not being free from outside influences. It called for the establishment of a new United Nations Commission for India and Pakistan to be composed of representatives of all States which were members of the Security Council, in order to guarantee the Commission's complete independence. The report stated that the new Commission, taking advantage of being in possession of all the necessary fact, duly evaluated by the Security Council itself, would be in a position to carry out its mediation task without delay at Lake Success in an atmosphere much more suitable for reaching the Truce Agreement than was possible of the Indian sub-continent. The report also recommended that the representatives of India and Pakistan meet at Lake Success with a view to reaching an under-tanding on differences in connexion with the Commission's resolutions of 13 August 1948 and 5 January 1949.

At the 458th meeting of the Security Council on 29 December 1949, the President reported the result of his consultations with the representatives of India and Pakistan, in which he had sought to set forth basic requirements for the creation of conditions in which the plebiscite could be held. The proposals which he had presented to the representatives of the two Governments called for an agreed programme of progressive demilitarization designed to make possible the realization of conditions for holding a plebiscite in the State of Jammu and Kashmir, as provided in the resolutions of the United Nations Commiasion which both parties had accepted.

As a suggested basis of agreement which should be reached in New York not latter than 31 January 1950, the President of the Security Council specified the following points :

Digitized by Google

(a) The Government of Pakistan should give unconditional assurance to the Government of India to deal effectively within its own borders with any possibility of tribal incursion into Jammu and Kashmir;

(b) The Governments of India and Pakistan should confirm the continued and unconditional inviolability of the 'cease-fire line';

(c) Agreement should be reached on the basic principles of demilitarization;

(d) Agreement should be reached on the minimum forces required for the maintenance of security and of local law and order, and on their general disposition.

(e) Agreement should be reached on a date by which the reduction of forces would be accomplished;

(f) Agreement should be reached on the progressive steps to be taken in reducing and redistributing the forces to the level envisaged in the plan for demilitarization.

The President of the Council also suggested the appointment by the Secretary-General of the United Nations, in agreement with the two Governments, of a United Nations representative to supervise the execution of the progressive steps in the reduction and redistribution of armed forces, and outlined his responsibilities. Upon completion of the agreed programme of demilitarization preparatory to the plebiscite to the satisfaction of the United Nations representative, the Plebiscite Administrator would proceed forthwith to exercise the functions assigned to him under the terms of UNCIP resolution of 5 January 1949.

The President stated that replies to his proposals had been received on 38 December from the Government of Pakistan, and on 29 December from the Government of India.

Digitized by Google

Both parties suggested a number of amendments which were the subject of continuing consideration.

The representative of Norway commended the President (General A.G.I. McNaughton) for having drawn up the basis of an agreement and he suggested that the negotiations between the parties be continued under the auspices of the President, if necessary and if he were willing, even after the expiration of his term. The suggestion was endorsed by the representatives of the United Kingdom, France, the United States and China, all of whom praised the impartiality of the proposals, and expressed their appreciation of the President's statesmanlike efforts.

The representative of the USSR objected to the proposal which provided for the appointment of a United Nations representative by the Secretary-General and insisted that the appointment should be made by the Security Council. The suggestion that the President continue his mediation efforts was also criticized by the USSR representative who held that the proposal was unprecedented and incompartible with the Charter, with the rules of procedure of the Security Council and with the practice of the United Nations.

The representatives of the Governments of India and Pakistan gave their unreserved approval to the continuance of the President's efforts at mediation, and it was agreed that the President should continue his consultations with the two parties until the expiration of his term of office and, should the Council so desire, be at its disposal after 1 January 1950, under whatever terms might be prescribed.

Mediation Efforts by the President of the Security Council

As the request of the Council, its President for December 1949, General McNaughton (Canada), met informally with representatives of the two parties to examine the possibility of finding a mutually satisfactory basis for dealing with the problems at issue. He reported to the Council on 29 December on the proposals which he had made to both parties on 22 December. Although his term of office expired on

Digitized by Google

31 December, the Council, by 9 votes to none, with 2 abstentions, decided to request General McNaughton to continue his negotiations. He submitted a final report (A/1453) to the Council on 3 February 1950.

His proposals were designed to provide a basis for an agreed programme of demilitarization to take place prior to a plebiscite in the State of Jammu and Kashmir. This was to include the withdrawal of the regular forces of Pakistan; the withdrawal of the regular forces of India not required for the maintenance of security and of law and order on the Indian side of the cease-fire line; and the reduction of local forces, including on the one side the armed forces and militia of the State, and on the other the Azad Kashmir forces. The northern area, it was proposed, should also be included in the programme of demilitarization, and its administration should, subject to United Nations supervision, be carried on by existing local authorities.

The Government of Pakistan was to give unconditional assurance to the Government of India that it would deal effectively within its own borders with any possibility of tribal incursions into the State and was to satisfy the Senior United Nations Military Observer on the adequacy of its arrangements. Both Governments were to confirm the inviolability of the cease-fire line.

Agreement was to be reached between the two Governments on the basic principles of demilitarization; on the minimum forces required for maintaining security and law and order; and on the date by which the reduction of forces was to be accomplished and the progressive steps to be taken in reducing them.

Both Governments were also to agree on the appointment of a United Nations representative, to be appointed by the Secretary-General, to supervise the demilitarization programme and to interpret agreements between the parties concerning the reduction and disposition of forces.

When the programme had been accomplished to the satisfaction of the United Nations representative the Plebiscite Administrator was to exercise the functions assigned to him

Digitized by Google

under the resolution adopted by the United Nations Commission for India and Pakistan on 5 January 1949. Both parties, General McNaughton reported, had suggested different amendments, which had, however, later been declared mutually unacceptable. He considered that no useful purpose could be served by continued activity on his part.

The amendments suggested by Pakistan, apart from certain drafting changes, were in the main :

(i) that the functions of the Plebiscite Administrator would include the final disposal of all forces remaining in the State after the programme of demilitarization had been carried out;

(ii) that the assurance to be given by Pakistan that it would deal effectively within to its own borders with any possibility of tribal incursions against Jammu and Kashmir should be expressed in general terms or to the United Nations, and not given to the Government of India.

(iii) that the United Nations representative would have, inter alia, the duty of obtaining an assurtance from the appropriate authorities on both sides of the cease-fire line and of making it publicly known that peace, law and order would be safeguarded and that all human and political rights would be guaranted:

(iv) that the word "enduring" should be omitted in the provision authorizing the United Nations representative to make suggestions to the two Governments likely in his opinion to contribute to the expeditious and enduring solution of the Kashmir question".

The amendments proposed by India mainly were :

(i) the proposals should provide for the withdrawal of the irregular, in addition to the regular, forces of

Digitized by Google

Pakistan and the disbanding of the Azad Kashmir Forces, and the provision in the proposals regarding regarding the disbandment and disarming of the Armed Forces and Militia of the Kashmir State should be deleted;

(ii) the responsibility for the defence of the "Northern Area" should be vested in the Government of India and the responsibility for their administration should be vested in the Government of Jammu and Kashmir, which should guarantee that there would be no victimization of the inhabitants of the area;

(iii) that the undertaking to be given by Pakistan concerning tribal incursions should be extended to cover "incursions by tribesmen and Pakistani nationals".

Statements by India and Pakistan

At its 463rd-466th meetings, from 7 to 10 February 1950, the Council heard the views of the representatives of India and Pakistan on General McNaughton's proposals.

The representative of India recalled that, following India's first complaint to the Security Council that invaders of Kashmir, consisting of Pakistani nationals and tribesmen from adjacent territories, were being aided by Pakistan, Pakistan had denied these allegations. It was, however, now admitted that early in May 1948, within a fortnight of the discussions in the Security Council, regular Pakistani troops had moved into Kashmir. Pakistan, he charged, had created obstacles to the holding of a plebiscite :

(i) by sending troops into Kashmir in disregard of the Security Council's resolution (S/726) of 21 April 1948;

(ii) by creating or assisting Azad Kashmir forces between October 1948 and the spring of 1949;

Digitized by Google

(iii) by penetrating into the northern area and obtaining control of it with the assistance of "local authorities".

Instead of securing the withdrawal of Pakistani forces from the State, the Security Council, in November 1948, had merely desired the Commission to continue its efforts for a peaceful solution. Pakistan, however, was not only an invader, but in actual occupation of nearly half the area of the State. By sanctioning the administration of the area by the existing local authorities, the present proposals recognized and assisted in perpetuating the unlawful occupation of these areas by Pakistan. The proposals sprang from the assumption of a false analogy between the Pakistan army and the Indian army, as also between the Azad Kashmir forces and the Kashmir State forces.

India, it was claimed, had accepted the proposals contained in the Commission's resolutions of 13 August 1948 (S/995) and 5 January 1949 (S/1196), on the assurance that the sovereignty of the Jammu and Kashmir Government would not be brought into question, that no recognition would be afforded to the so-called Azad Kashmir Government; that the territory occupied by Pakistan troops would not be consolidated to the disadvantage of the State; that there would be a large-scale disarming and disbanding of the Azad Kashmir forces; and that the question of the northern area would receive consideration in the implementation of the Commission's proposals.

The present proposals, however, eliminated the sovereignty of the Jammu and Kashmir State from the areas on the other side of the cease-fire line; the administration of these areas by the "existing local authorities" was recognized; the consolidation effected by the Pakistani troops was allowed to remain, and the disarming and disbanding of the Azad Kashmir forces was neutralized by the similar disarming and disbanding of the State forces and the State militia; and the claim made by the Government of India in respect of the northern area was dismissed. The net effect of the proposals

Digitized by Google

was thus to eliminate or neutralize every one of the assurances relied upon by India.

Another important point, the representative of India stated, was that the State in its entirety should accede to either India or Pakistan, and therefore could not be disrupted before the holding of a plebiscite. The administration of the northern areas by local authorities would bring about such disruption. Moreover, he pointed out, the McNaughton proposals relied on Pakistan's assurances that it would deal effectively with any tribal incursions, without stating what would happen if United Nations observers considered the arrangements made by Pakistan inadequate. He also took exception to the provision, which, he said, was new, that the Kashmir State forces and militia should be disbanded.

He maintained that the accession of the State to India had taken place in conformity with India's Constitution; that the question was not a Hindu-Muslim one since large sections of the Muslims in Kashmir favoured accession to India; that this accession had not caused the conflict but had been forced by the invasion of tribesmen of 22 October 1947; and that Indian troops had been sent to cope with the invaders, not to help the Ruler against his people.

The representative of India considered that the positions adopted by India and Pakistan on the question of a plebiscite were fundamentally irreconcilable. While India stood by its offer of plebiscite upon certain conditions amounting to restoration of the State to its normal condition prior to the holding of the plebiscite, Pakistan appeared to desire plebiscite under the present abnormal situation prevailing in the State.

The representative of Pakistan, replying to the representative of India, stated that in the cases of States with a Muslim ruler and a Hindu majority, India had favoured consulting the wishes of the people, but had justified its claims in Kashmir, where Muslims constituted 77 per cent of the population, on the accession of the Ruler. The geographical position and communications system he stated, also indicated integration of Kashmir into Pakistan as the natural solution. If Kashmir acceded to India, India would be in a position to

Digitized by Google

control the whole irrigation system of western Pakistan; and the defence of western Pakistan, which was based on two main road and railway systems running parallel to and within a few miles of the Kashmir border, would be impossible.

The tribal incursion of 22 October 1947, referred to by the representative of India, had taken place, he said, as a direct consequence of the suppression by the troops of the Maharaja of the freedom movement in the State.

Although both parties had agreed that there should be a free and unfettered plebiscite, they had differed consistently on the conditions for holding it. Pakistan's minimum condition had been : that all foreign and other fighting elements should be withdrawn; that a non-partisan administration should be established in the State; and that the plebiscite should be conducted and organized by and under the authority of the United Nations.

The representative of Pakistan stated that India had consistently rejected proposals which would enable an impartial plebiscite to be held in Kashmir. Its avowed objective had been to occupy the whole State militarily and thus vitally endanger Pakistan. Pakistani troops had moved into the Azad Kashmir territory in May 1948, in order to circumvent the imminent danger to Pakistan's security and economy resulting from the continued build-up of the Indian army in Kashmir, and the consequent influx of 600,000 to 700,000 Muslim refugees into Pakistan. The United Nations Commission for India and Pakistan had been informed of this step by Pakistan as early as had been feasible.

After the entry into force of the cease-fire agreement, Pakistan had secured the evacuation of the tribesmen and such Pakistani nationals as had entered the State for the purpose of fighting. Pakistan had done this, he stated, although under the Commission's resolution of 13 August 1948 and 5 January 1949, this obligation was to became applicable only as the first step during the truce stage. As the second step, according to the provisions of these resolutions, the Pakistan army was to begin its withdrawal; when

Digitized by Google

that had begun, the Indian army was to begin withdrawing the bulk of its forces. It was not until the plebiscite stage that the final disposal was to take place of the remaining Indian forces and Kashmir forces on the one hand and of the Azad Kashmir forces on the other. There was no ambiguity in these provisions, and they had been accepted by both parties.

With regard to the administration of the State the representative of Pakistan continued, it was essential that there should be an impartial authority for the whole of the State, or a coalition Government. An administration under Sheikh Abdullah on the one hand and one under the Azad Kashmir and the local people on the other would not be balanced in view of the fact that Sheikh Abdullah's Government controlled two thirds of the population of the State.

On the question of demilitarization prior to the plebiscite, it appeared that, although the Indian forces in the State were double the strength of the Pakistani forces, the Government of India was prepared to withdraw only twelve Indian battalions against twenty-eight Pakistani battalians.

Regarding India's contention that Pakistan had augmented the Azad Kashmir forces in disregard of the Commission's resolution of 13 August 1948, the representative of Pakistan argued that those forces had been built up before the acceptance of that resolution either by India or by Pakistan. The resolution had been accepted by India on 23 December and by Pakistan on 25 December. Obligations deriving from it, therefore, could not have arisen before that date. Moreover, the clause precluding the augmentation of forces occurred in paragraph B of part I of the resolution which related to the cease-fire order. It was thus obvious that the provision was to apply once fighting had stopped. But the fighting had continued till 1 January 1949. Further the obligation would have been mutual. But India had mounted an offensive in November 1948, in contravention of the commission's resolution of 19 September to which both sides had agreed. As a result of that offensive, certain areas had been taken by India and were now on the Indian side of

Digitized by Google

the cease-fire line. Under such circumstances it could not be expected that the Azad Kashmir forces should not be built up.

The representative of Pakistan stated also that, according to the Commission's resolutions of 13 August 1948 and 5 January 1949, the disarming and disbanding of the Azad Kashmir forces was not contemplated during the truce stage. It was evident, from the explanations given by the Commission to the Government of India and from the communications of that Government to the Commission, that India fully understood this position. Yet from 10 March 1949 the Government of India had begun to shift from that position, and had eventually demanded the disbanding of the Azad Kashmir forces during the truce stage.

The representative of Pakistan considered that the guarantees given for the security of the northern area against tribal incursions should be satisfactory to India, since, according to the McNaughton proposals, the military adviser would have to be satisfied that the arrangements were adequate. Nothing had happened in that area between 13 August 1948 and 5 January 1949 to justify claims for posting Indian forces there. Pakistan could not accept India's contention that, in order to maintain the integrity of the State as a whole, the areas held by Azad Kashmir forces should be under Sheikh Abdullah's administration or under India's militry control. That condition was not envisaged by the Commission, which had specifically repudiated such an interpretation. The argument raised by the representative of India, as to how the Plebiscite Administrator could derive his powers from the State of Jammu ank Kashmir, if the State had no authority over the northern area, could not stand. The Commission had explained that all it had contemplated in that respect was that, as a matter of legal technicality, the Plebiscite Administrator should be deemed to have derived his powers from the State of Jammu and Kashmir considered as a legal entity. There was no mention of the Government of Jammu and Kashmir and of the Azad Kashmir Government in that connexion.

Digitized by Google

The representative of India, in reply, maintained, among other things, that Pakistan could not justify the sending of its troops into Kashmir as an act of self-defence. There had been no armed attack on Pakistan and it had not reported its action to the Security Council, as it was bound under the Charter to do. Although Pakistan stated that it had given no help to the raiders, it had found it necessary to enter Kashmir to hold the line when the raiders were on the point of being expelled by India.

With regard to the *Azad* Kashmir forces, India had held consistently that they should be disarmed and disbanded before the Indian army was withdrawn: whether this was during the truce or the plebicite stage was in the opinion of the representative of India, immaterial. He maintained that it was not these forces but people led by the present head of the People's Government, Sheikh Abdullah, who had battled for freedom in the State for the last twenty years.

Concerning the "northern areas", India had received assurances from the Commission that the provision for their administration by local authorities would not be applied so as to bring into question the sovereignty of the Jammu and Kashmir Government over those areas.

The accession of the State, the representative of India maintained, must be based on the will of the people, not on strategic or economic considerations. Kashmir differed from other Indian States with predominantly Hindu populations and Muslim rulers in that a large section of its Muslim population wished to remain in India. The repressntative of India also referred to hundreds of thousands of Hindu and even Muslim refugees which, he said, had streamed across the Indian side of the cease-fire line.

The representative of Pakistan, in a concluding statement, stressed that the two parties had agreed to the Commission's resolutions of 13 August 1948 and 5 January 1949. Situations anterior to these resolutions could not, therefore, be put forward today as obstructing their implementation. He further stated that his Government was prepared to submit to arbitration the differences which had arisen with regard to the

Digitized by Google

implementation of part 2 of the Commission's resolution of 13 August 1948, and to accept the McNaughton proposals.

Resolution of 14 March 1950

At the 467th meeting, on 24 February 1950, the representatives of Cuba, Norway, the United Kingdom and the United States submitted the following draft resolution (S/146) :

Having received and noted the reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 January and 21 April 1948 ;

Having also received and noted the report of General A.G.L. McNaughton on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949 ;

Commending the Governments of India and Pakistan for their statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite and commending the parties in particular for their action in partially implementing these resolutions by

(1) The cessation of hostilities effected 1 January 1949

(2) The establishment of a cease fire line on 27 July 1949 and

(3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator.

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization

Digitized by Google

of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants;

The Security Council,

1. *Calls upon* the Government of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed ;

2. *Decides* to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate :

(a) to assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization,

(b) to place himself at the disposal of the Governments of India and Pakistan and to place before these Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir.

(c) to exercise all of the powers and responsibilities developing upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United

Digitized by Google

Nations Commission of 13 August 1948 and 5 January 1949,

(d) to arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties,

(e) to report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make ;

3. *Requests* the two Governments to take all necessary precautions to ensure that their agreements regarding the cease fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations ;

4. *Extends* its best thanks to the members of the United Nations Commission for India and Pakistan and to General A.G.L. McNaughton for their arduous and fruitful labours ;

5. *Agress* that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2(c) above.

The representatives of China, Cuba, Ecuador, France, Norway, the United Kindgdom and the United States made statements in support of the draft resolution. They were agreed that the essential provisions of General McNaughton's proposals were just and fair. The representative of the United States recalled the Commission's statement that the entry of the Indian forces into the northern area would lead to renewed hostilities. He therefore considered it reasonable that the Commission had not recommended a change in the administration of the area.

Digitized by Google

Clarifying the provisions of the draft resolution, the representative of the United Kingdom stated at the 469th meeting of the Council that in working out a programme of demilitarization, it would be expected that due account would be taken of the opinion of the Council, and that the programme would follow broadly the lines indicated by General McNaughton ; that the United Nations representative would be guided by the statements made by the Security Council members. However, the United Nations Representative would have a certain amount of discretion to make adjustments in the programme in the light of any fresh considerations which might arise. The demilitarization programme should be dealt with as a whole and accomplished within a single period, leaving only the minimum of forces for final disposal under the 5 January 1949 resolution of the United Nations Commission for India and Pakistan. The programme should embrace all forces within the State, should include all areas of the State (including the northern areas), and should be so designed as to reduce to the minimum the possibility of any recrudeecence of fighting or disturbances. The sponsors assumed that there could be no question of introducing changes in the administration of the northern areas. If the United Nations Representative, however, did find that assumption unwarranted, the draft resolution did not preclude his suggesting other arrangements.

The Council expected every suggestion which the United Nations Representative might make to be compatible with the agreed objective of a free and impartial plebiscide. Only if he should find, after investigation on the spot, that the agreed objective was impracticable would he be expected to make suggestions at variance with it. The mandate of the United Nations Representative had been made as extensive as it was in order to ensure that he would be duly empowered to make appropriate suggestions in all contingencies.

The representative of India reaffirmed the views of his Government as expressed at the 463rd meeting (7 February 1950) (see above), with regard to paragraph 1 of the draft resolution. With regard to paragraph 2, proposing the

Digitized by Google

appointment of a United Nations representative, he stated his Government's preference for the assignment of the function of such a representative to three individuals, one to be nominated by it one by the Government of Pakistan and one by the Security Council in consultation with the two Governments. However, if that alternative was not accepted, the Indian Government desired that a person acceptable to it should be selected as the United Nations representative.

The representative of Pakistan considered that, if the Council entertained any possibility of a solution whereby the "northern areas" would be administered by an authority other than the present administration, it would be fair to inform his Government of it so that it might consider whether it could accept such a possibility.

He further raised certain questions in the light of the United Kingdom statement of clarification, concerning the powers of the proposed United Nations Representative. Would this Representative be expected to make suggestions at variance with the agreed objective of a fair and impartial plebiscite, if he should find, after an investigation, that this was impracticable? The United Kingdom statement, he said, opened a way for the parties to demand such an investigation before the United Nations Representative undertook his duties. If one of the parties created conditions which made the organizing and holding of a free and impartial plebiscite impracticable, would the United Nations Representative be within his rights in making suggestions at variance with that objective? The main features of the draft resolution, he stated, were acceptable to his Government but its ultimate acceptance would rest largely on the clarification of those points.

At the 470th meeting (14 March 1950), the representative of India declared that his Government, while adhering to his statement made at the 463rd meeting and assuming that the United Nations Representative would be appointed with the agreement of the parties, accepted the joint draft resolution.

Digitized by Google

The representative of Pakistan submitted that the provision of the McNaughton proposal that the administration of the "northern areas" should be continued by the existing local authorities needed no clarification and that the agreed objective that the question of the accession of the State of Jammu and Kashmir to Pakistan or to India was to be determined through the democratic process of a free and impartial plebiscite had to be unswervingly pursued by the United Nations Representative. Having made these submissions, he stated that his Government accepted the joint draft resolution.

At the 470th meeting on 14 March 1950, the draft resolution (S/1461) submitted by the representatives of Cuba, Norway, the United Kingdom and the United States was adopted by 8 votes in favour, with 2 abstentions (India, Yugoslavia), and one member (USSR) absent.

At the 471st meeting on 12 April 1950, the Council appointed Sir Owen Dixon of Australia, as United Nations Representative for India and Pakistan, by 8 votes in favour, with 2 abstentions (India, Yugoslavia), and one member (USSR) absent.

In conformity with the resolution adopted by the Security Council at its 470th meeting, the Government of Pakistan, on 15 May, and the Government of India, on 1 June, notified their acceptance of transfer to the United Nations Representative of the powers and responsibilities of the United Nations Commission for India and Pakistan (S/1490).

Report of the United Nations Representative

The United Nations Representative for India and Pakistan submi ted his report (S/1791) on 15 September 1950. He reported that no agreement had been reached between India and Pakistan on the demilitarization of the State of Jammu and Kashmir and on other preparations for the holding of a free and impartial plebiscite. In numerous conferences attended by him and the Prime Minister of India and Pakistan he had put forward the following proposals :

Digitized by Google

(*a*) ***Demilitarization***

(i) Withdrawal of regular forces of the Pakistan army, to begin on a specified day, as the first step towards demilitarization.

(ii) Commencement of the withdrawal of the Indian regular army after "a significant number of days" had elapsed, and withdrawal or disarming and disbandment of the Jammu and Kashmir, State forces, and the disarming and disbandment of the State militia

(iii) Disarming and disbandment of the Azad Kashmir forces and the northern scouts

(iv) The forces that either party might need after demilitarization, and pending plebiscite, to be determined according to parties, by the Chiefs of Staff in consultation with the United Nations Military Adviser

This plan was rejected by the Prime Minister of India, who cited, among other points, the possibility of Pakistan making an attack and the need for protecting the area against marauders.

(*b*) ***Administration***

The United Nations Representative proposed the following :

(i) The area west of the cease-fire line, when evacuated by Pakistani troops should be administered by local authorities—that is, existing District Magistrates or subordinate officers—according to the law and custom of the State as they existed before the dispute arose. Each District Magistrate was to be under the supervision of a United Nations Officer.

Digitized by Google

(ii) In regard to northern areas, it was proposed that political agents appointed by the United Nations should administer the territory instead of the present assistant political agents.

The first proposal are also rejected by the Prime Minister of India, chiefly on the ground that it recognized the existing officers, some of whom had replaced former officers and who might be repugnant to India. The second plan was also rejected by the Prime Minister of India, who did not put forward an alternative proposal.

(c) Plebiscite

The proposal of the United Nations Representative provided that a United Nations officer would be attached to each District Magistrate to ensure freenom of the plebiscite, and that no arrests under emergency powers would be made without his previous written consent. It was also provided that all prisoners detained under emergency or similar powers would be released within seven days of the coming into force of these provisions.

This proposal was also rejected by the Prime Minister of India, and no alternative proposals or modifications were suggested.

The United Nations Representative then put forward plans for bringing into existence for the plebiscite period, a single government for the whole State. The plans were of three discriptions;

(i) A coalition government, representing both parties in Kashmir.

(ii) An administration consisting of trusted persons outside holding high judicial or administrative office, the chairman being appointed by the United Nations.

Digitized by Google

(iii) An administration set up wholly by the United Nations.

None of these suggestions were acceptable to the Indian Prime Minister.

(*d*) Partition

The United Nation Representative further reported that he had made an effort to negotiate a settlement by means of a partition of the State either outright or combined with a partial plebiscite limited to an area which would include the Valley of Kashmir. The Prime Minister of Pakistan was opposed to this plan on the ground that it would mean a breach on India's part of the agreement that the destination of the State as a whole should be decided by a single plebiscite taken over the entire State. The United Nations representative, however, considered that no agreed settlement could be brought about except by some such means. He therefore ascretained that India would be prepared to discuss a settlement on the basis of certain first principles. There were :

(a) that the areas of the State where there was no apparent doubt as to the wishes of the people should go to India or Pakistan without a plebiscite;

(b) that the plebiscite should be limited to those areas where there was doubt,

(c) that the demarcation line should have due regard to geographical features and to the requirements of an international boundary.

In applying these principles, the United Nations Representative reported, the Government of India had been led to the following tentative conclusions :

Digitized by Google

(i) There should be a plebiscite in the Valley of Kashmir.

(ii) The following areas should go to India :

(a) The Province of Jammu so far as it lies east of the cease-fire line, subject to minor corrections;

(b) The tehsil of Ladakh and the tehsil of Kargil in Ladakh district with the exception of the area above the Suru River, which, it was suggested, should go to India or to Pakistan according to the result of the plebiscite in the Valley;

(iii) India was willing that the following areas should go to Pakistan :

(a) Gilgit, Gilgit Agency, Gilgit Wazarat, political districts, tribal territory and Baltistan and so much of the Jammu Province as lies west of the cease-fire line as corrected.

India contemplated a boundary commission to apply on the ground the division which might be decided on.

The United Nations Representative further reported that India was prepared to include in any such settlement a provision that India would not divert by an artificial works in the State the waters of the Chenab River or reduce substantially the flow of the waters of the river, except that it might construct canals for irrigation confined within the State. India also reserved the right to establish hydro-electric works for the production of electrical energy without reducing the waters of the stream.

The territorial demands by India appeared to the United Nations Representative to go much beyond what was reasonable according to his "conception of the situation," and he so stated to Indian authorities.

The Government of Pakistan declined to attend a conference to discuss, in the light of the position taken by India,

Digitized by Google

the possibility of settling the dispute. However, the United Nations Representative reported, if a basis of the suggested settlement had been simple partition, "a solution having the advantages of being immediate in its operation and self-executing." Pakistan would have considered the matter provided that the Valley of Kashmir went to Pakistan. The Prime Minister of India, in turn, the United Nations Representative reported, declined to consider at all an over-all partition in which the Valley of Kashmir would go to Pakistan.

(e) Partition and Partial Plebiscite

The United Nations Representative had intended, finally, to put forward a plan for holding a partial plebiscite in a limited area, including or consisting of the Valley of Kashmir, and for partitioning the rest of the State. This plan envisaged the setting up of an administrative body of United Nations Officers under a Plebiscite Administrator, with powers to exclude troops of every description. If it was decided that, if for any purpose troops were necessary, the United Nations Plebiscite Administrators could ask both parties to provide them. In so far as the Administrators allowed the views of the two sides to be laid before the people of the limited area, they would have the power to secure to India and Pakistan equality in this and other respects. This plan was intended to have been put forward if both parties agreed to attend a conference on its basis.

During the course of preliminary discussions, however, the United Nations Representative ascertained that India would not agree to a meeting at which Pakistan might insist that it would not consider any plan based on partition and partial plebiscite. Pakistan, on the other hand, would agree to attending a conference only if India would accept specific measures for ensuring the freedom and fairness of the plebiscite—measures which the United Nations Representative had intended to include in the plan. The Prime Minister of India gave an "emphatic refusal" to agree to the provisions relating to the plebiscite proposed by the United Nations Representa-

Digitized by Google

tive. The objections of the Prime Minister of India to these provisions were :

(i) Pakistan was an agressor and it would be a surrender to aggression to allow it to take part in the plebiscite. For the same reason and because of the danger involved, Pakistan's troops could never be allowed to enter the plebiscite area.

(ii) The provision relating to administration would mean that Government of the State would be superseded; it went far beyond what was necessary for the purpose in view.

(iii) Only those people belonging to the State of Jammu and Kashmir should be allowed participation in the "campaign over the plebiscite. There could be no equality of any right between India and Pakistan in this or other relevant respects.

(iv) The security of the State would be endangered.

After considering these objections, the United Nations Representative reported, he could see no reason for departing from the provisions he had intended to include.

He considered that he "could not expose a plebiscite conducted under the authority of the United Nations to the dangers" which, he believed, "certainly" existed. He came to the conclusion, it was stated, that it would be "impossible to give effect to the doctrines formulated by India" in objection to his plan, and at the same time "frame a plan for partition which" he "could ask Pakistan to accept".

Summing up, the United Nations Representative recalled that both Governments had accepted the principle that the question of the accession of the State would be decided through a free and impartial plebiscite. 'Unfortunately", however, removal of the many obstacles to the holding of such a plebiscite "has been made dependent upon the agreement of the parties". The Representative commented that both the

Digitized by Google

United Nations Commission for India and Pakistan and himself had failed in their efforts to secure an agreement on practical measures for a plebiscite, and both parties concurred in the view that the possibilities of agreement had been exhausted. He concluded that the only chance of settling the dispute by agreement lay in partition and in some means of allocating the Valley, rather than in an over-all plebiscite. It was, in his view, "perhaps" best that the initiative should now pass back to the parties themselves. He was not prepared to recommend any further course of action on the part of the Security Council. He recommended however, that the Security Council should press for a reduction in the military strength of the parties holding the cease-fire line to the normal protection of a peace-time frontier, as he considered the continued maintenance of such armies to be fraught with dangerous possibilities. In a covering letter, Sir Owen Dixon asked the President of the Security Council to relieve him of his position as United Nations Representative for India and Pakistan.

The President, at the 503rd meeting of the Council, on 26 September, expressed the Council's gratitude to the United Nations Representative for India and Pakistan and stated the Council's wish to release him as he had requested from the mission with which he had been charged.

By letter dated 14 December 1950 (S/1942) addressed to the President of the Security Council, the representative of Pakistan drew the attention of the Council to the report of the United Nations Representative for India and Pakistan regarding the failure of the mission entrusted to him by the Security Council resolution of 14 March 1950. In the meantime, the letter stated, the Government of India and the Maharaja's Government in Kashmir were taking steps to prejudice the holding of the plebiscite. A resolution had been adopted by the All-Jammu and Kashmir National Conference on 27 October 1950, proposing the convening of a Constituent Assembly to determine" the future shape and affiliations of the State". According to Indian press reports, the Prime Minister of India had welcomed this move and had declared that the proposed Constituent Assembly would "ratify the

Digitized by Google

formal accession of the State to India". Later press reports indicated that a formal proclamation to hold elections to the proposed constituent Assembly was about to be promulgated by the Maharaja's Government.

This move, the representative of Pakistan stated, sought to nullify the international agreement between India and Pakistan embodied in the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and endorsed by the Security Council.

The letter called for urgent consideration of the question and implementation of the international agreement referred to. The Council was also requested to call upon India to refrain from proceeding with the proposal for a Constituent Assembly and from taking such other action as might prejudice the holding of a free and impartial plebiscite.

Further discussion of the India-Pakistan question by the Security Council did not take place during 1950. The Council remains seized of this question.

Appointment of a New United Nations Representative

On 15 September 1950, Sir Owen Dixon, United Nations Representative for India and Pakistan, reported (S/1791) to the Security Council that no agreement had been reached between India and Pakistan on the demilitarization of the State of Jammu and Kashmir and on other preparations for the holding of a free and impartial plebiscite. Noting that it was perhaps best that the initiative should pass back to the parties, he stated that, at all events, he was not prepared to recommend any further course of action on the part of the Security Council. He requested formal termination of his position as United Nations Representative.

In a letter (S/1942) to the Security Council dated 14 December 1950, the Minister of Foreign Affairs of Pakistan expressed concern over the serious delay in deling with the report of the United Nations Representative. He called the Council's attention to the proposed convening of a constituent assembly by the Maharaja's Government in Kashmir to

Digitized by Google

determine "the future shape and affiliations of the State". That move, he stated, reportedly welcomed by the Prime Minister of India, sought to nullify the international agreement between India and Pakistan embodied in the rsolutions adopted on 13 August 1948 and 5 January 1949 by the United Nations Commission for India and Pakistan (UNCIP), which had been endorsed by the Security Council, and was a challenge to the authority of the Council. He requested the Council to give urgent consideration to the Kashmir question and to take measures to implement, as soon as possible, the above-mentioned agreement. The Council was also requested to call upon India to refrain from proceeding with the proposal for a constituent assembly and from taking any other action which might prejudice the holding of a free and impartial plebiscite.

The Council considered the question at its 532nd to 540th meetings between 21 February and 2 April 1951 and at its 543rd meeting on 30 April. Pursuant to a previous decision of the Council, the representative of Pakistan was invited to participate in the discussions of the item.

At the 532nd meeting of the Council on 21 February, the representatives of the United Kingdom and the United States submitted a joint draft resolution (S/2017) which would, inter alia, have the Council accept Sir Owen Dixon's resignation, in compliance with his request, and express its gratitude to him for the ability and devotion with which he had carried out his mission. It proposed the appointment of a United Nations Representative for India and Pakistan in succession to Sir Owen. After consultations with India and Pakistan, the United Nations Representative would effect the demilitarization of Kashmir on the basis of Sir Owen's proposals. The United Nations Representative would, according to the draft resolution, be instructed to present to India and Pakistan detailed plan for a plebiscite in Kashmir, and obtain the agreement of the two Governments to those plans for the purpose of carrying out a free and impartial plebiscite under United Nations auspices. The draft resolution would call upon the parties to accept arbitration upon such points

Digitized by Google

of difference as could not be settled through the efforts of the United Nations Representative. The United Nations Representative would be instructed to report to the Security Council, with such findings and recommendations as he deemed necessary, within three months from the date of his appointment.

The sponsors declared that the fundamental consideration that the accession of the State of Jammu and Kashmir was to be decided by a plebiscite under the auspices of the United Nations had been accepted by both India and Pakistan and endorsed by the Security Council since the early stages of the dispute. The Council could not, therefore, accept or approve of a plebiscite conducted without the approval or supervision of the Council or its representative. The action proposed by the "All Jammu and Kashmir National Conference", referred to in the letter of the Pakistan Foreign Minister, would not, in the opinion of the sponsors, bring about a fair and impartial plebiscite. The representative of the United Kingdom stated that his Government could not agree to the course suggested by Sir Owen Dixon, namely, that it would be best to leave the problem of the disposal of Jammu and Kashmir to the parties themselves to settle, the Security Council holding itself aloof unless hostilities should recur. The representative of the United Stated emphasized that it was the duty of the Security Council to call to the attention of both India and Pakistan their obligation under the Charter to seek a solution by all peaceful means, including arbitration.

The representative of India stated that the execution of the instrument of accession by the ruler of the State of Jammu and Kashmir, coupled with its acceptance by the Governor-General of India, completed the legal requirements of accession. However, India voluntarily imposed upon itself the obligation, when normal conditions were restored, to give the people of Kashmir the right to decide whether they would remain in India or not. He emphasized that India was the complainant and that its complaint had been proved true. The resolutions of the United Nations Commission for India

Digitized by Google

and Pakistan of 13 August 1948 and 5 January 1949, agreed to by the parties, he said, contained adequate provision for a free and impartial plebiscite under United Nations auspices, and India could not make any further concessions.

The existing legal position, the representative of India stated, was that the State of Jammu and Kashmir was a unit of the Indian Federation, subject to federal jurisdiction in respect of the broad categories of defence, external affairs and communications, but completely autonomous in almost all other matters. The State was entitled to frame its own constitution and, for that purpose, to convene a constituent assembly of its own people. So far as India was concerned, the constituent assembly, the main purpose of which would be to provide a proper elected legislature for the State, was not intended to prejudice the issues before the Security Council, or to come in its way.

Pointing out that India and Pakistan had managed to reach agreement on several matters recently, he said that the Security Council might do worse than to follow the United Nations Representative advice and let the initiave revert to the parties.

His Government was wholly unable to accept the draft resolution since it would instruct the new United Nations Representative to effect demilitarization on the basis of Sir Owen Dixon's proposals for demilitarization, which had seriouly departed from the agreed scheme contained in the United Nations Commission's resolutions of August 1948 and January 1949. All the changes were in favour of the Pakistan Army, which had entered the State in contravention of international law, and against the Indian Army, which had lawfully entered the State to repel invasion.

The representative of Pakistan denied the assumption that India was in lawful occupation of Kashmir. That occupation had been brought about, he said, as the result of a conspiracy between the Hindu ruler of Kashmir and the Hindu leaders of India. Reviewing the history of the Kashmir question, he stated that the real problem at issue was to persuade India to agree to carry out its undertakings under

Digitized by Google

the resolutions of 13 August 1948 and 5 January 1949, which had been accepted by India and Pakistan and endorsed by the Security Council. The alleged "aggression" by Pakistan could, he said, have nothing to do with the case, inasmuch as those resolutions had been adopted and accepted by India at a time when the Security Council, the United Nations Commission and India had all known of the situation.

In view of the failure of many previous attempts to reach a settlement, he said, it was wholly unrealistic to suggest that the parties ought to be left to settle the matter by negotiation between themselves. Such a course would enable India to consolidate its hold on Kashmir and to continue systematically to alter the composition of the population of the State by expelling Muslims and settling non-Muslims in their place. India's refusal to submit the matter to impartial arbitration was, he said, a clear indication of India's own estimation of its position.

The task of ensuring the implementation of the international agreement, the representative of Pakistan submitted, should be entrusted by the Security Council to the outstanding personality who should have power to effect demilitarization, to exercise effective supervision over the functions of government in the State and to decide any points of difference arising between the parties on those matters. The Council should also call upon the parties to withdraw their forces and to extend full co-operation to the United Nations Representative in the discharge of his duties. India should be asked not to proceed with the convocation of a constituent assembly in Kashmir and not to make any attempt to determine unilaterally the future of the State. The representative of Pakistan also called for omission from the joint draft resolution of the provisions envisaging the possibility of partition which was opposed by both sides.

In reply, the India representative quoted a statement by the Prime Minister of India to the effect that, had India desired a pretext either for Kashmir's accession or for sending its troops there, it would not have waited until half of the Valley of Kashmir and parts of Jammu had been devastated.

Digitized by Google

Denying the allegation that the ruler of Kashmir had been a tool in an alleged conspiracy, the Indian representative cited Press reports stating that, prior to the invasion, Sheikh Abdullah had been in New Delhi, where he had declared that he would not brook dictation from Pakistan or coercion from India, and had pleaded for time to consider which Dominion the State should join. He had later termed the invasion an attempt to coerce Kashmir into acceding to Pakistan. Sheikh Abdullah, the representative of India said, had been chosen to form an interim government because he had been able to command the confidence of the citizens of the State.

As regards the non-fulfilment of obligations under the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949, the representative of India asked what Pakistan had done to fulfil its primary obligation under part II of the 1948 resolution, namely, to withdraw its troops from the State. India, he explained, had not objected to a reduction of forces, or to their disposal within the State of Kashmir during the plebiscite period in such a way as to prevent their interference with the freedom of the vote; but it had objected to a reduction of forces on a scale that would endanger the State and also to measures that would unnecessarily infringe the State's sovereignty.

Commenting on this statement, the representative of Pakistan said that the fact that Sheikh Abdullah had pleaded for time to consider which Dominion Kashmir should join indicated that the authorities in Delhi had been exerting pressure for accession to India. It was obvious, he said, that Sheikh Abdullah had served as a go-between.

As regards the withdrawal of Pakistan troops from Kashmir, that operation, the representative of Pakistan stated, was to have followed formulation of a truce agreement and to have been synchronized with the withdrawal of the Indian forces. India had refused to formulate such an agreement, although Pakistan had repeatedly stated its readiness to proceed with its formulation and with its subsequent implementation.

Digitized by Google

The representative of Pakistan maintained that all factor indicated that Kashmir's natural relationship was to Pakistan, and that Kashmir could help India only to encircle Pakistan and to destory its economy. Nevertheless, Pakistan accepted the risk that the result of the plebiscite might be adverse to it. India, he said, had no right to have made Kashmir a unit of its Federation or to have convoked a constituent assembly while the question was pending before the Security Council.

At the 537th meeting of the Council on 21 March, a revised text (S/2017/Rev. 1) of the joint United Kingdom and United States draft resolution was introduced (for text, see resolution adopted, below). It was explained by the sponsors that the revised text took into account objections made by both India and Pakistan to the original joint draft, and that the amendments embodied in the revised text had four principal effects.

First, the United Nations Representative would now be charged with the duty of effecting demilitarization of the State of Jammu and Kashmir on the basis of the two United Nations Commission resolutions of 13 August 1948 and 5 January 1949, and not on the basis of the demilitarization proposals made by Sir Owen Dixon. This did not mean, it was pointed out, that the United Nations Representative should disregard the efforts made by Sir Owen Dixon in attempting to carry out those two resolutions.

Secondly, paragraph 4 of the original draft had been completely eliminated. That paragraph, it was explained, had been intended to provide the United Nations Representative with helpful guide posts in his efforts to work out a satisfactory solution of the problem, such as the ideas of a neutral force, of the possibility of certain limited boundary adjustments, and of the degree of supervision over the plebiscite being suitably varied from area to area in Kashmir. Those provisions had been deleted in view of the objections of both parties, but it was hoped that both parties and the Security Council would continue to bear them in mind.

Digitized by Google

Thirdly, if the United Nations Representative was not able to effect demilitarization or, at least, to obtain the agreement of the parties on a plan for effective demilitarization, he was report to the Council, within three months from the date of his arrival on the sub-continent, those points of difference between the parties in regard to both interpretation and execution of the August 1948 and January 1949 resolutions which he considered had to be resolved in order to enable demilitarization to be carried out. The sponsors considered this formulation of the essential points of difference important, in order to focus the attention of the Security Council on the principal issues between the parties.

The fourth principal change concerned the proposals for arbitration. Although, as previously, the new draft called upon both parties to accept arbitration upon such outstanding points of difference as might remain after discussions with the United Nations Representative, the text had been altered to state that arbitration should be accepted upon points reported to the Council by the United Nations Representative. Furthermore, the arbitration proposal now provided that the arbitrator or panel of arbitrators was to be appointed by the President of the International Court of Justice after consultation with the parties, instead of by the Court as a whole.

The sponsors considered the arbitration proposal as one of the key elements of the revised draft. By adopting the revised draft, they said, the Security Council would make it clear that the talk of war had to stop and the solution of the problem be achieved by the means laid down in the Charter.

The representative of India stated that the revised joint draft continued to ignore the basic facts of the situation in Kashmir, and it included provisions which India had constantly made clear that it could not accept. He criticized, in particular, the paragraph concerning arbitration, which, he said, seemed to give Pakistan the right to be consulted on such vital matters affecting Kashmir's security as the stages in which the bulk of the Indian forces were to be withdrawn and the strength of the forces to be retained in Kashmir. That, he stated, was a violation of the United Nations Commission's

Digitized by Google

resolution of August 1948, which had provided that those were matters for agreement solely between the Commission and India. Further, if Pakistan and India were not in full agreement, under the revised draft the point would have to be decided by arbitrators in whose selection Pakistan would again have the right to be consulted; that was also a new concession to Pakistan and a violation of the resolution of August 1948. India, he said, could not be expected to leave to a third party, however chosen, the decision as to how Kashmir should be protected against a recurrence of the horrors of October 1947.

Representatives of Brazil, China, Ecuador, France, the Netherlands and Turkey supported the revised joint draft, stating that it was one more proof of the impartiality which had marked the Security Council's work with regard to the problem of Kashmir Arbitration, in their opinion, was the only way of resolving the existing impasse between India and Pakistan. The revised draft, they said, did not ask the parties to sacrifice either their principles or their interests; it merely asked them to apply to the settlement of their dispute methods which they had accepted.

The representative of Yugoslavia considered that a further advance towards the solution of the problem should be made by assisting the parties gradually to narrow in direct contact and by their own efforts, the areas of disagreement between them. The alternative course of attemping to reach a solution for the parties, or of imposing upon them, or one of them, the actual mode of implementation of a settlement already accepted in principle, would, he considered, in all probability impair what chances still remained of an understanding on the yet unresolved issues, and would diminish rather than increase the prospects of an over-all settlement. He said the would abstain in the vote on the revised draft because, in his opinion, it inclined toward the alternative course, without having fully explored the possibilities of the first course.

The revised joint draft resolution was adopted by 8 votes to none, with 3 abstentions (India, the USSR and Yugoslavia)

Digitized by Google
UNIVERSITY OF CALIFORNIA

at the Council's 539th meeting on 30 March 1951. The representative of India explained that he had abstained from voting pursuant to paragraph 3 of Article 27 of the Charter, which states, inter alia, that a party to a dispute shall abstain from voting.

The resolution adopted (S/2017/Rev. 1) read :

"*Having received and noted* the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 14 March 1950 ;

"*Observing* that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democtratic method of a free and impartial plebiscite conducted under the aspices of the United Nations;

"*Observing* that on 27 October 1950 the General Council of the 'All Jammu and Kashmir National Conference' adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the future shape and affiliations of the State of Jammu and Kashmir ; observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir;

"*Reminding* the Governments and Authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948, 3 June 1948 and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January

Digitized by Google

1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations ;

"*Affirming* that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference', and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle ;

"*Declaring* its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security ;

"*Observing* from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were :

"(a) The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebiscite, and,

"(b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite;

"*The Security Council,*

"1. *Accepts*, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission ;

Digitized by Google

"2. *Decides* to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon ;

"3. *Instructs* the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 ;

"4. *Calls upon* the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;

"5. *Instructs* the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out ;

"6. *Calls upon* the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above ; such arbitration to be carried out by an Arbitrator, or a panel of Arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties ;

"7. *Decides* that the Military Observer group shall continue to supervise the cease-fire in the State ;

Digitized by Google

"8. *Requests* the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likey to prejudice a just and peaceful settlement ;

"9. *Requests* the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution."

At the 540th meeting on 2 April, the representative of Pakistan accepted the resolution of 30 March on behalf of his Government. He stated that Pakistan was determined to afford the fullest co-operation to the United Nations Representative and, in the case of differences arising which could not be resolved by agreement between the parties, to the arbitrator or arbitrators that might be appointed under the resolution.

At the 543rd meeting on 30 April, the President informed the Council that the representatives of the United Kingdom and the United States has submitted the name of Frank P. Graham, Defense Manpower Administrator in the Department of Labour in Washington, former United States Senator and former President of the University of North Carolina, as a candidate for appointment as United Nations Representative for India and Pakistan. No other candidate, the President said, had been suggested. The Council, at the same meeting approved the appointment of Mr. Graham, by 7 votes to none, with 4 abstentions (India, the Netherlands, the USSR and Yugoslavia). The representative of India explained that he had abstained from voting pursuant to paragraph 3 of Article of the Charter.

Digitized by Google

Security Council Communication of 29 May to India and Pakistan

On 4 May 1951, Pakistan brought to the Council's attention (S/2119) reports that the Yuvaraja of Jammu and Kashmir has issued a proclamation on 30 April, convening a constituent assembly in the State and laying down a procedure for convening it. This move, it was stated, was a challange to the authority of the Council, and was an attempt to nullify the resolution of 30 March 1951. The Council was requested to take adequate measures to stop India and the authorities concerned in Kashmir from pursuing a course of action which, besides prejudicing further negotiations for the implementation of the international agreement embodied in the United Nations Commission's resolutions of August 1948 and January 1949, was bound to create a situation which might endanger international peace.

On 8 May Pakistan brought to the Council's notice (S/2145) a statement by the Prime Minister of the Indian-occupied portion of Kashmir on 4 May, to the effect that the con-tituent assembly was to decide the future shape and affiliation of Kashmir and that no Power could veto its decision.

The Securiiy Council considered the two communicastons at its 548th meeting on 29 May. The representative of Pakistan gave further details concerning the matters brought before the Council, and asked the Council to take resolute action. He emphasized the impatience and bitterness which, he said, the long delay over the settlement of the Kashmir question and the continued intransigence of India had created in the minds of the people of Pakistan.

The representative of India, denying the Pakistani allegations, reaffirmed India's position and repeated that, so far as his Government was concerned, the constituent assembly was not intended to prejudice the issues before the Security Council, or to come its way. While the constituent assembly might, if it so desired, express an opinion on the question of accession, it could take no decision on it.

Digitized by Google

On the proposal of the United Kingdom, suported by Brazil, China, Ecuador, France, the Netherlands and the United States, the Security Council approved, by 9 votes to none, with 2 abstentions (India and the USSR), the text of a message (S/2181) to be sent by the President of the Council to India and Pakistan. The representative of India explained that he had abstained in accordance with Article 27, paragraph 3, of the Charter.

The message noted with satisfaction the assurances of the representative of India, and stated that it was the sense of the Council that the reports contained in the communications from Pakistan, if correct, would involve procedures in conflict with the commitments of the parties to determine the future accession of Jammu and Kashmir by a fair and impartial plebiscite under United Nations auspices. The Council remainded the two Governments of the provisions of its resolution of 30 March 1951, and trusted that they would do everything in their power to ensure that the authorities in Kashmir did not disregard the Council.

On 31 May, the alternate representative of India to the Council transmitted to the President of the Security Council a message (S/2182) from the Prime Minister of India, to the effect that he had nothing to add to what had already been stated by the Indian delegation.

In a letter (S/2207) dated 15 June, addressed to the President of the Security Council, the Minister for Foreign Affairs of Pakistan took note of the President's message and recalled statements made by various members of the Council during the discussion prior to its adoption. He cited further statements made by the Prime Minister of India to the effect that a constituent assembly was being convened with the full approval of India, and that India would not co-operate in any way in the implementation of the resolution of 30 March 1951, which it had not accepted. If India were permitted to pursue the course it had set itself, it was stated, all chances of a pacific settlement of the dispute would be undermined and a grave threat to international peace would result. The hesitancy of the Security Council to assert its authority and to enforce

Digitized by Google

its resolutions relating to Kashmir had, it was stated, encouraged India and Sheikh Abdullah to persist in their intransigence and had immensely increased the difficulties which the United Nations Representative would have to face. Pakistan urged the Security Council to retrieve the situation by taking effective and adequate measures to stop India and the authorities concerned in Kashmir from convening the proposed constituent assembly.

Exchange of Communications between India and Pakistan

On 30 June and during July and August 1951, the Security Council was informed of a series of communications exchanged between India and Pakistan (S/2225, S/2233 and Corr. 1, S/2245 and Corr. 1, S/2252, S/2256, S/2260, S/2269, S/2271, S/2278 and Corr. 1, S/2281, S/2285, S/2290 and S/2293) which dealt, inter alia, with military movements in India and Pakistan and in the State of Jammu and Kashmir, and with the question of responsibility for the tension prevailing between the two countries.

First Report of the United Nations Representative

The United Nations Representative left New York for India and Pakistan on 27 June and arrived on the sub-continent on 30 June. On 15 October, he transmitted to the Security Council, in accordance with the Council's resolution of 30 March 1951, a report (S/2375 and Corr. 1) on the results of his efforts to obtain the agreement of the Governments of India and Pakistan to a plan for effecting the demilitarization of the State of Jammu and Kashmir.

He stated that, in view of the atmosphere of hostility on the sub-continent, he had adopted the procedure of separate, informal consultations with officials of both Governments, with a view to ascertaining those areas of agreement upon which might be based and acceptable plan for the demilitarization of Kashmir. As a result of his conversations with the parties, he dispatched a letter (S/2375/Annex II) to the Prime

Digitized by Google

Ministers of both Governments on 7 September 1951, inviting their comments on a draft agreement, consisting of twelve proposals for carrying out the demilitarization of Kashmir on the basis of the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949. The replies of the two Governments indicated acceptance of the general principles set forth in the first four proposals, namely : (1) reaffirmation of their determination not to resort to force with regard to the question of the State of Jammu and Kashmir ; (2) agreement to take measures to avoid warlike statements regarding that question ; (3) reaffirmation of their will to observe the cease-fire effective from 1 January 1949 and the Karachi agreement of 27 July 1949 (whereby a cease-fire line was established as a complement to the suspension of hostilities in Kashmir) ; and (4) reaffirment of their acceptance of the principle that the question of the accession of the State would be decided through a free and impartial plebiscite under the auspices of the United Nations.

Aggrement was not reached on the fifth proposal, providing that the demilitarization of the State contemplated in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 should be effected in a single, continuous process ; nor on the remaining proposals, which set fourth the principles for a plan of demilitarization to be carried out during a period of ninety days.

Proposals 5 to 12 read as follows :

"The Governments of India and Pakistan...

"5. Agree that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process ;

"6. Agree that this process of demilitarization shall be completed during a period of 90 days, unless another period is decided upon by the representative of the Indian and

Digitized by Google

Pakistan Governments referred to in paragraph 9 below;

"7. Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

"A. *On the Pakistan side of the cease-fire line*:

"(i) the tribesmen and Pakistan nationals not normally resident therein who had entered the the State for the purpose of fighting will have been withdrawn;

"(ii) the Pakistan troops have been withdrawn from the State, and

"(iii) large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place:

"B. *On the Indian side of the cease-fire line*:

"(i) the bulk of the Indian forces in the State will have been withdrawn;

"(ii) further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in B (i) above will have been carried out;

so that at the end of the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of———Civil Armed Forces, and on the Indian side of the cease-fire line a force of———.

"8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above;

Digitized by Google

"9. Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraghs 5, 6, 7 and 8 above;

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above ;

"11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in paragraph 4(a) and (b) of the 5 January 1949 resolution ;

"12. Agree that any differences regarding the programme of demilitarizaiion contempleted in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continuous to the United Nations Representative, whose decision shall be final".

The United Nations Representative set forth the main differences between the two Governments' not only in regard to their interpretation and execution of the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 concerning the demilitarization, but also in regard to points of difference on his proposals, involving the length of the period of demilitarization, the withdrawal of troops, the timing of withdrawals and the size of the forces to remain on either side of the cease-fire line. There was also disagreement on whether to include in the agreement the proposal for appointment to office of the Plebiscite Administrator by India before the end of the demilitarization period.

Digitized by Google

Due to the situation prevailing on the sub-continent, he concluded, it had not been possible to effect demiliterization during the time available under his terms of reference. He went on to state that although he did not underestimate the existing difficulties, he did not exclude the possibility of arriving at a basis of agreement between the two Governments. He emphasized the importance of the task of the United Nations team of military observers on the sub-continent in supervising the cease-fire in Kashmir.

The United Nations Representative recommended the following to the Security Council :

> "1. That the Security Council call upon the Governments of India and Pakistan to take immediately all measures to improve the relation between the two countries by avoiding any increase of their military potential in the State of Jammu and Kasmir, and by instructing their official spokesmen and urging all their citizens, organizations, publications, and radio stations not to make war-like statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir.
>
> "2. That the Security Council consider the possibility of a renewed effort being made to obtain an agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir;
>
> "3. If the Security Council decides that a renewed effort to obtain an agreement should be made, it might consider to instruct the United Nations Representative to implement its decision by continuing the negotiations with the Governments of India and Pakistan in order to obtain an agreement of the parties to a plan for effecting the demilitarization of [the State of Jammu and Kashmir. Such negotiations should be carried out at the seat of the Security Council and the Council should

Digitized by Google
Digitized by CC-0. In Public Domain

instruct the United Nations Representative to report to the Council within six weeks".

Consideration of the First Report by the Security Council

The first report (S/2375 and Corr. 1) of the United Nations Representative was considered by the Security Council at its 564th and 566th meetings, held on 18 October and 10 November 1951, respectively. At the Council's 564th meeting, the United Nations Representative made a statement in which he, among other things, briefly summarized the twelve proposals submitted to India and Pakistan on 7 September, and stated the position of the two Governments on the proposals upon which they were unable to agree.

At the 566th meeting on 10 November, the representives of the United Kingdom and the United States submitted a joint draft resolution (S/2390) which would, inter alia, note with, approval the basis for a programme of demilitarization put forwarded by the United Nations Representative in his communication of 7 September, and instruct him to continue his efforts for an additional six weeks to obtain agreement of the parties on a plan for effecting the demilitarization of Kashmir.

The sponsors of the joint draft were of the opinion that the proposals for demilitarization as set out by the United Nations Representative formed a solid basis upon which the parties could reach an agreement. The joint draft, they explained, was designed to give him the support, the encouragement and the time he needed to help bring about an agreement. Both representatives expressed concern regarding the convening of a constituent assembly in Kashmir, and reiterated that any attempt to decide the issue of accession without the consent of both parties would leave a constant and explosive irritant in the relations between India and Pakistan. The United Kingdom and the United States both welcomed the recent reassurances in that connexion given by the Prime Minister of India. If, by a further comparatively brief period of negotiation, agreement between the parties could be

Digitized by Google

reached or substantial progress towards agreement made, that chance, they argued, should be taken by the Security Council.

The representatives of Brazil, China, Ecuador, France, the Netherlands and Turkey spoke in support of the joint draft. The joint draft, in their opinion, was in keeping with previous decisions of the Security Council of the matter, and represented a continuation of the efforts made by the United Nations towards the peaceful settlement of the problems arising out of the demilitarization of Kashmir. The representatives of China, the Netherlands and Turkey also expressed concern over the convening of a constituent assembly in Kashmir. They declared that such a constituent assembly could not be allowed to prejudice the accession of Kashmir, as the disposition of Kashmir should be in accordance with the principle of determination through the democratic methods of a free and impartial plebiscite, set up under the auspices of the United Nations.

The representatives of the United Kingdom and the United States agreed to modify the wording of the first operative paragraph to refer to the State "of Jammu and Kashmir". The joint draft, as modified, was adopted by 9 votes to none, with 2 abstentions (India and the USSR). The text of the adopted resolution (S/2390) read :

"*The Security Council*

"*Having received and noted* the report of Dr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 30 March 1951, and having heard Dr. Graham's address to the Council on 18 October,

"*Noting* with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,

Digitized by Google

"1. *Notes* with gratification the declared agreement of the two parties to those parts of Dr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations ;

"2. *Instructs* the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir ;

"3. *Calls upon* the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference them ;

"4. *Instructs* the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect."

Second Report of the United Nations Representative

On 18 December 1951, the United Nations Representative transmitted his second report (S/2448) to the Security Council. In the report, he stated that the procedure he had adopted in continuing his efforts to obtain agreement on a demilitarization plan had been : (a) to exhaust the possibilities, if any in endeavouring to reach agreement between the parties on his proposals of 7 September 1951 ; (b) failing the conclusion of such an agreement, to obtain the detailed plans of the parties for demilitarization of Kashmir under the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949, in order to establish the points of difference in regard to the interpretation and execution of those resolution which had to be resolved to enable demilitarization to be carried out. Under the first part of that procedure, he

Digitized by Google

had endeavoured to narrow the differences of the parties on two fundamental points the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and the day on which India would formally appoint the Plebiscite Administrator.

Following meetings with the parties, the United Nations Representative presented to them, on 7 December 1951, a statement and questionnaires (S/2448, Annex III) to that end. He also sent a letter (S/2448, Annex IV) to India requesting that Government's detailed plans for carrying out the demilitarization of Kashmir under the two United Nations Commission's resolutions. Informal conversations at a military level were also held by the Military Adviser to the United Nations Representative with the Military Advisers of the representatives of India and Pakistan.

The points of difference between the two Governments on the fundamental issues regarding their interpretation and execution of the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949, the United Nations Representative stated, remained as they had appeared in his first report. This convinced him that agreement could not be achieved at that stage of the negotiations on the draft agreement which he had proposed on 7 September 1951, as a whole.

During the discussions at the military level, he reported, information received indicated that, at some stage of his tentative plan of demilitarization, the withdrawals of armed forces would amount to a great proportion of the forces stationed there on 1 January 1949. However, the disparity between the number and character of the forces which the forces which the parties proposed should be left at the end of the period of demilitarization was so wide that any agreement on the whole plan, concerned as a single continuous process, could not be reached at that stage. Differences also remained he reported, between India and Pakistan concerning the induction into office of the Plebiscite Administrator. India insisted that the Plebiscite Administrator should be appointed as soon is conditions on both sides of the cease-fire line in

Digitized by Google
UNIVERSITY OF CALIFORNIA

Kashmir permitted a start to be made with arrangements for carrying out the plebiscite. To appoint the Plebiscite Administrator before he could function effectively would, India held, be premature. Pakistan, on the other hand, emphasized the importance of appointing the Plebiscite Administrator as much in advance of the final day of demilitarization possible.

The United Nations Representative then dealt with the twelve proposals for an integrated plan of demilitarization, which he submitted to the Prime Ministers of India and Pakistan on 7 September 1951. In his first report, he recalled, he had stated that the two Governments had indicated agreement on the first four of the twelve proposals. Agreement had subsequently been reached on four more proposals, namely, paragraphs 8, 9, 11 and 12. Agreement, however, had not been reached on the four most basic proposals of the twelve, namely, paragraphs 5, 6, 7 and 10; and agreement on those four paragraphs, he said, was essential for carrying out the plan of demilitarization envisaged as an integrated whole in the twelve proposals.

In connexion with paragraph 5, the United Nations Representative reiterated his view that the demilitarization of Kashmir should be effected in a single, continuous process. He proposed modifications of paragraphs 6 and 7, according to which : (1) the process of demilitarization would be completed on 15 July 1952, instead of during a period of 90 days, unless another date was decided upon by the representatives of the parties; and (2) the demilitarization would be such that, on that date, there would remain on each side of the cease-fire line not a specific number of armed forces but the lowest possible number of armed forces proportionate to the number of armed forces existing on each side of the cease-fire line on 1 January 1949. He suggested that paragraph 10 be maintained as it stood, namely, that India agree that the Plebiscite Administrator be appointed not later than the final day of the demilitarization period referred to in paragraph 6.

In his second report to the Security Council (S/2448), submitted on 18 December 1951, Dr. Frank P. Graham, the

Digitized by Google

United Nations Representative for India and Pakistan, outlined the stage reached in his efforts to secure the concurrence of the Governments of India and Pakistan on a twelve-point agreement which would involve demilitarization of the State of Jammu and Kashmir in a single continuous process. He reported that agreement had been reached on four more of the proposals but had still not been reached on proposals 5, 6, 7 and 10. The two fundamental differences remaining concerned : (1) the minimun number of forces to be left on each side of the cease-fire line at the end of the demilitarization; and (2) the day on which the Government of India would cause the Plebiscite Administrator to be formally appointed to office.

Consideration by the Security Council of the Second Report of the United Nations Representative

The Security Council considered the second report of the United Nations Representative at its 570th to 572nd meetings on 17, 30, and 31 January 1952.

Presenting his report to the Council, Dr. Graham stressed his belief that any negotiations that could be undertaken by the United Nations to obtain demilitarization of the State of Jammu and Kashmir under the resolutions of the United Nations Commission for India and Pakistan (UNCIP) of 13 August 1948 and 5 January 1949 would, in the prevailing circumstances, encounter almost insurmountable obstacles unless agreed solutions were found for :

> (1) a definite period of demilitarization; (2) the scope of demilitarization and quantum of forces that would remain at the end of the period of demilitarization; and (3) the day for the formal induction into office of the Plebiscite Administrator.

The representative of the USSR declared that all the plans put forward by the United States and the United Kingdom in the Kashmir question, instead of seeking a real settlement, were aimed at prolonging the dispute and at

Digitized by Google

converting Kashmir into a trust territory of the United States and the United Kingdom under the pretext of giving it "assistance through the United Nations". Their intention, he said, was to introduce Anglo-American troops into Kashmir so as to convert it into an Anglo-American colony and a military and strategic base against the USSR and the People's Republic of China.

In support of his thesis, the USSR representative quoted Pakistan and United States newspapers, and statements allegedly made by a Pakistan journalist and by Mr. Ghulam Mohammad Sadiq, President of the Kashmir Constituent Assembly.

From the beginning, the United States and the United Kingdom, in direct violation of the Charter, particularly of Article 1, had done everything possible to prevent the people of Kashmir from being able to decide freely on their own future, he said. The resolution of 30 March 1951 (S/-2017/ Rev. 1), the USSR representative stated; forced upon the people of Kashmir a plebiscite ostensibly under the United Nations, but, in reality, under Anglo-American control; the original text of that resolution had contained an open demand that foreign troops should be introduced into Kashmir. The demand had been dropped in view of the Indian representative's objection but that had merely been a formal gesture, and the idea had been taken up again by Dr. Graham, whose chief military adviser was an American general. Since the Council resolution defining the powers of the United Nations Representative contained no such authorization, it might be asked what justification Dr. Graham had had for sub-mitting, without the knowledge of the Security Council, a question concerning the introduction of foreign troops into Kashmir in the questionnaires sent out to the Governments of India and Pakistan on 18 December 1951 (S/2448, Annex III). The USSR representative charged that the Governments of the United States and the United Kingdom had exerted direct pressure on the Governments of India and Pakistan, insisting on the adoption of their proposal for the submission of the Kashmir question to the arbitration of a third party, their

Digitized by Google

purpose being to bring the people of Kashmir under their authority.

He stressed the opinion of his Government that the Kashmir question could be satisfactorily settled only by giving the people of Kashmir an opportunity to decide the question of its constitutional status by themselves, without outside interference. That could be achieved if the status of Kashmir were determined by a constituent assembly, democratically elected by the people of Kashmir.

The representatives of the United Kingdom and the United States considered that the charges made by the Soviet representative of an Anglo-American anti-Soviet plot in Kashmir were fantastic. The representative of the United Kingdom paid tribute to Dr. Graham's record in Indonesia, and expressed the hope that the Council, considering the Kashmir dispute objectively, would succeed in enabling the two parties to agree on a settlement satisfactory to both. The United States representative expressed the hope of his Government that the dispute would be settled in accordance with United Nations principles and the agreements already reached between the parties.

The representative of Pakistan said that there had never been any question of anything being imposed from the outside upon either party to the dispute. The efforts of the Security Council had been directly solely toward securing the implementation of the agreements existing between the parties. The current deadlock, which had lasted almost three years, related to the demilitarization of the State preparatory to the holding of a plebiscite and the induction into office of a Plebiscite Administrator. He reviewed the history of the negotiations and outlined Pakistan's position on the outstanding questions, and said that his Government would accept in principle the truce proposals formulated in Dr. Graham's second reports but considered that some of the important terms used in the proposals should be defined and that other necessary details should be filled in. He denied that military bases in Kashmir had been granted to the United States or any other Power, and said that the difference

Digitized by Google

between what the USSR representative had suggested and what the Security Council had sought to achieve with the agreement of the parties was one of method, not of principle. Throughout the controversy, India, Pakistan and the Security Council had agreed that the question of the accession of Jammu and Kashmir should be decided through the democratic method of a free and impartial plebiscite.

The representative of India emphasized his Government's anxiety that an early, equitable and peaceful solution of the dispute be found. The problems of a definite period for the demilitarization and of the date for the formal induction into office of Plebiscite Administrator could, he said, be settled without difficulty provided that agreement was reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization, and provided that the programme agreed upon for that purpose was satisfactorily implemented.

The majority of representatives, including those of Brazil, Chile, France, Greece, the Netherlands, Turkey, the United Kingdom and the United States, paid tribute to the work of Dr. Graham and considered that he had succeeded in considerably narrowing down the differences between the two parties. They considered that Dr. Graham should return to the sub-continent to attempt to bring about a solution of the outstanding points of difference.

The representative of the United Kingdom expressed disappointment that the differences between the parties appeared to be as wide as ever on basic points but thought it a considerable gain to have the main points on which agreement was required formulated in Dr. Graham's twelve proposals, of which eight had been agreed to by the parties.

The United States, its representative said, considered that the twelve points formed a solid basis on which the parties could reach agreement so as to enable a fair and impartial plebiscite to be held. Progress had been made on some of these points and should not be halted; none of the remaining issues constituted an insurmountable barrier to a peaceful solution.

Digitized by Google

The Netherlands representative considered that the basic issue was the need of the people of Jammu and Kashmir for self-determination. As long as there was a reasonable chance of further agreement through negotiation, he felt, that method should be given priority over the arbitration called for in the Council's resolution of 33 March 1951 (S/2107/Rev). On the other hand, the patience shown by the Security Council should not be misconstrued as lightening in any way the moral and political responsibilities of the parties for the fulfilment of their commitments regarding the creation of fair conditions for a free and impartial plebiscite in Jammu and Kashmir.

At the conclusion of the discussion, the President stated that it was the sense of the Council that the United Nations Representative, acting under the resolutions of 30 March 1951 (S/2017/-Rev.1) and 10 November 1951 (S/2392), was authorised, without and new decision by the Council, to continue his efforts to fulfil his mission and to submit his report, which the Council hoped would be final, within two months. He noted that the representative of the USSR had not concurred in that agreement.

Third Report of the United Nations Representative

On 22 April the United Nations Representative transmitted his third report (S 2611) to the Security Council. He stated that in his continued negotiations he had had in mind two purposes :

(1) to assist the parties in removing the remaining difficulties in an effort to reach an agreement on twelve proposals; and

(2) without prejudice to this to obtain, if possible, further withdrawals from the State of Jammu and Kashmir on both sides of the case-fire line.

He outlined the positions of the two parties on the remaining four items in dispute. He stated that India main-

Digitized by Google

tained its position concerning the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarisation (namely, 21,000 regular India Army forces and 6,000 State militia an the Indian side and 4,000 men normally resident in Azad Kashmir territory, half of whom should be followers of Azad Kashmir, on the Pakistan side). India considered that if agreement could be reached on the scope of demilitarisation and on the quantum of forces to remain at the end of the demilitarisation period the other two remaining differences (the period of demilitarisation and the date for the induction into office of the Plebiscite Administrator) could be settled without difficulty.

Pakistan, Dr. Graham reported, had accepted the proposals of the United Nations Representative concerning the period of demilitarisation, the quantum of forces to remain on each side of the cease-fire line and the date for induction into office of the Plebiscite Administrator. It insisted that the demilitarisation programme should embrace all the armed forces in Jammu and Kashmir without exception.

The United Nations Representative also reported on the progress made in demilitarisation. Since the cease-fire of 1 January, he said, both India and Pakistan had made substantial withdrawals of their forces from Kashmir, which, including the current withdrawal of one Indian division, amounted to some 50 per cent of their forces from the States. Both parties had also withdrawn their forces along the borders of the State.

Analysing the two UNCIP resolution of 13 August 1948 and 5 January 1949, he stated that the demilitarisation of the State had reached the stage at which further reductions of troops were directly related to the preparation of a plebiscite. He accordingly considered it necessary that the Plebiscite Administrator designate should be associated with him in studies and the consideration of common problems.

Dr. Graham emphasised the importance of finding a settlement for the question and recommended that negotiations be continued with a view to resolving the remaining differences on the twelve proposals, with special reference to

Digitized by Google

the amount of forces to be left on each side of the cease-fire line at the end of the demilitarisation period and the general implementation of the United Nations Commission's resolutions of August 1948 and January 1949. He also recommended that the two Governments should :

(1) refrain from taking any action which would augment the current military potential of the forces in the State;

(2) continue their determination not to resort to force and to adhere to peaceful procedures and follow faithfully their agreement to instruct their official spokesmen and urge all their citizens not to make statements calculated to incite the people of either nation to war over Kashmir;

(3) observe the cease-fire effective from 1 January 1949, and the Karachi Agreement of 27 July 1949; and

(4) undertake to reduce further by 15 July 1952, the forces under their control in the State of Jammu and Kashmir.

Fourth Report of the United Nations Representative

By letter dated 29 May 1952 (S/2649), the United Nations Representative informed the Security Council that negotiations had been renewed. On 31 July he stated (S/2727) that India and Pakistan had agreed to a meeting of representatives of the two Governments at ministerial level under the auspices of the United Nations Representative at the European office of the United Nations in Geneva, beginning 25 August 1952.

On 16 September Dr. Graham submitted his fourth report (S/2783) to the Security Council regarding the negotiations carried out in agreement with the two Government from 29 May to 16 July 1952 in New York, and regarding the conference held at ministerial level from 26

Digitized by Google

August to 10 September 1952 in Geneva. He stated that, as a result of meetings and conversations with the parties, he had submitted a new draft of his proposals on 2 September, in which he suggested (paragraph 7 A (III) and B (II) of the proposals) a minimum force of 6,000 on the Pakistan side of the cease-fire line, and of 18,000 on the Indian side. He had made it clear that those figures did not include the Gilgit and Northern Scouts on the Pakistan side nor the State militia on the Indian side. In addition to suggesting definite minimum figures, he had attempted in a provisional clause to accommodate the concern expressed during the conversations that the agreement should not come into effect until the demilitarisation programme had been approved by the two Government.

On 3 September it had appeared that no agreement could be secured on the basis either of the figure proposed or of the brackets of 3,000 to 6,000 on the Pakistan side and of 12,000 to 18,000 on the Indian side which had been proposed to the parties on 16 July 1952. As it had not been possible in the circumstances to secure agreement on the minimum forces to be left on each side of the cease-fire line, the United Nations Representative had thought it might be possible for the two Governments to agree on some principles based on the requirements of each side, which principles could then serve as the criteria for fixing the the quantum of forces. He had accordingly submitted a further draft on 4 September 1952 according to which, at the end of the demilitarisation period, there would be on each side of the cease-fire line the minimum number of forces required for the maintenance of law and order and of the cease-fire agreement, with due regard (in the case of the Indian side) to the security of the State and (in the case of the both sides) to the freedom of the plebiscite.

Concerning that draft, he reported, the position of India was that the principles enumerated were conceived in the right spirit, having regard to the two UNCIP resolutions. As a basis for the evolution of a suitable definition of the functions of forces on both sides of the cease-fire line, they contained

Digitized by Google

the germs of a settlement. India could not, however, accept any equation of its responsibilities with the local authorities on the Pakistan side of the cease-fire line or agree to anything more than a local character to the maintenance of public order in that area by those authorities. It considered that the defence of the entire State was the concern of the Government of India, which alone was entitled to maintain a military armed force for that purpose.

Pakistan had been prepared to accept the draft proposals of 4 September, subject to the observation that the references to "due regard to the freedom of the plebiscite" and the "security of the State" should be deleted to avoid recurrence in the Military Sub-Committee of the political controversies that had held up progress in the main conference.

In conclusion, Dr. Graham stated that, in his view, in order to reach an agreement on a plan of demilitarisation, it was necessary either :

(1) to establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarisation; or

(2) to declare that the forces to remain on each side of the cease-fire line at the end of that period should be determined in accordance with the requirements of each area and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Government of India and Pakistan in the meeting contemplated in the provisional clause of the revised proposals.

Consideration by the Security Council of the Third and Fourth Reports

The third and fourth reports of the United Nations Representative were considered by the Security Council at its

Digitized by Google

605th to 611th meeting on 10 October, 5 November and 5, 8, 16 and 23 December.

Summarising the main points of his report, the United Nations Representative dealt with the obstacles that had stood in the way of demilitarisation and with his twelve proposals. The narrowing of the differences to the number and character of forces to remain on each side of the cease-fire line emphasized, he said, the depth of the difference on that point. Recalling the alternative approaches which he had suggested for resolving that difference, he stressed the great importance of solving the Kashmir problem peacefully, not only for the peoples of the State and of the sub-continent, but for the whole world.

On 5 November the representatives of the United Kingdom and the United States submitted a joint draft resolution (S/2839 and Corr 1) which, inter alia, would have the Council urge the Governments of India and Pakistan to enter into immediate negotiations at United Nations Headquarters, in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarisation, "this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line, and between 12,000 and 18,000 armed forces remaining on the Indian side of the cease-fire line", as suggest by the United Nations Representative. Such specific numbers were to be arrived at bearing a mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783/Annex 8). The draft resolution provided that the United Nations Representative would be requested to cont nue to make his services available to the Governments of India and Pakistan, and those Governments would be requested to report to the Council not later than 30 days from the date of adoption of the resolution. Dr. Graham would also be requested to keep the Council informed of any progress.

Digitized by Google

Speaking in support of their draft resolution, the representatives of the United Kingdom and the United States emphasized the basic agreement of the parties on the objective of a free and impartial plebiscite as laid down in the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) of 13 August 1948 and 5 January 1949. Examining the extent to which the United Nations Representative had been able to secure acceptance by the two Governments of the points contained in his twelve proposals, they maintained that the main difference to be resolved now was the one on the number and character of the forces to remain on each side of the cease-fire line. They recalled that the parties had agreed that the demilitarization should be carried out in such a way as to involve no threat to the cease-fire agreement.

This, they said, must have been the criterion that the United Nations Representative had in mind when he suggested the range of figures within which the parties were being urged, in the joint draft resolution, to negotiate. The representatives of the United Kingdom and the United States believed that the Kashmir militia and the Gilgit scouts occupied a special position and need not be included in the total of forces to be determined.

Regarding the character of the forces to remain on each side of the cease-fire line, the representative of the United Kingdom expressed the view that, in order to ensure that demilitarization would at no stage become a threat to the cease-fire agreement, the forces on both sides should be, broadly speaking, of the same kind. Moreover, he stated, the proposal to limit the forces on the Pakistan side of the cease-fire line to an armed civil police force while leaving a military force on the other side would not be consistent with a really free plebiscite.

Recalling the proposal put forward by the United Kingdom and the United States on 21 February 1951 (S/2017) that a neutral force might be use to facilitate demilitarization of the State, he representative of the United Kingdom suggested that, should the fear that demilitarization

Digitized by Google

might lead to a renewal of the conflict in Kashmir still exist, whichever of the parties felt that fear might be urged to reconsider the proposal to make available such a force. That device would of course not be necessary if demilitarization on the lines suggested by Dr. Graham and by the joint draft resolution could be brought about.

On the question of the Azad Kashmir forces, the representative of the United States referred to the suggestion made by the United Nations Representative that there should be a large-scale disbanding and disarmament of those forces so that there would remain at the end of the period of demilitarization only the minimum number of such forces as was required for the maintenance of law and order and of the cease-fire agreement, with due regard to the freedom of the plebiscite. He said that the sponsors of the draft resolution had accepted what they considered to be the view of the United Nations Representative that the forces which remained on the Pakistan side of the cease-fire line should be those Azad Kashmir forces which remained after the large-scale disbandment, and that these forces should be detached from the administrative and operational control of the Pakistan High Command and be placed under neutral and local officers under United Nations surveillance. The sponsors, he said, had also accepted the view, that, on the Indian side of the cease-fire line, the forces should be Indian armed forces and State armed forces. This position, he held, was entirely consistent with the resolution of the United Nations Commission of 13 August 1948.

The sponsors of the draft resolution considered that it offered the parties an opportunity to arrive, by their own negotiations, at a settlement of the final issue standing in the way of the demilitarization of the State and the planning for a plebiscite, including the education into office of the Plebiscite Administrator.

The representative of India reviewed the circumstances in which the Kashmir dispute had been brought to the attention of the Security Council, stating that Pakistan had twice been guilty of aggression in Kashmir, once when it assisted

Digitized by Google

and participated in the initial invasion and secondly on 8 May 1984 when it admittedly sent its regular troops there. Its illegal occupation of the State's territory continued. It had, moreover, created subversive forces and authorities there. Until the Council was prepared to face that central issue, no just and lasting solution could be found, the Indian representative stated.

In support of the thesis that Kashmir's accession to India was legal and had been recognized as such by the United Nations Commission for India and Pakistan, she said that under the resolutions of that Commission, while India was required to withdraw only the bulk of its forces, Pakistan was to withdraw all its forces. Those resolutions, further, recognized the sovereignty of the Jammu and Kashmir Government over the entire State, including the areas invaded and occupied by the Pakistan forces. They also recognized India's constitutional responsibility for protecting the State against external aggression. Similar recognition had been contained in Dr. Graham's proposals of 16 July 1952, under which the forces to remain on the Pakistan side of the cease-fire line would be separated from the administrative and operational control of the Pakistan High Command, and would be officered by neutral and local officers under the surveillance of the United Nations, whereas on the Indian side there would be an Indian armed force. Dr. Graham's seventh proposal of 4 September 1952, which laid down that, in considering the final number of forces on the Indian side, due regard would be paid to the security of the State, also recognized India's moral and constitutional responsibility for the protection and security of the State. The Government of India, its representative said, was not prepared to abdicate that responsibility, or to share it with others, least of all with the aggressor.

She said that, considering the requirements of maintaining law and order as well as the overall security of the State, the Government of India had come to the conclusion that a minimum force of 28,000 would be required on the Indian side of the cease-fire line. However, when the Azad Kashmir

Digitized by Google

forces were completely disbanded, the Government of India would be prepared to effect a further reduction of 7,000. The force of 21,000 which was the absolute minimum would include the former State forces and would have no supporting arms such as armour or artillery.

Referring to the United Kingdom representative's contention that the presence of troops on the Indian side with only a civil armed force on the Pakistan side would be inconsistent with a really free plebiscite, she said that this argument ignored not only the UNCIP resolutions but also the proximity of the Pakistan frontier and Pakistan forces which would be within striking distance of the cease-fire line and vital areas of the State. The administration of the Pakistan side of the cease-fire line by local authorities under United Nations surveillance had been accepted by India, but those local authorities had no international status and could not be entrusted with regular troops. They could, at best, be entrusted with a civil armed force of 4,000 which, she considered, would be adequate. India, however, would be willing to permit some increase in those forces which would be operating under United Nations surveillance, provided a case was made out for such an increase.

Anything aimed at establishing a party between India on the one hand and Pakistan on the other, either in quantum or character of forces, was, she stated, a departure from the two UNCIP resolutions and was unacceptable to India. In this connexion, she said that the joint draft resolution inadvertently or unjustifiably combined the essentially independent and alternative approaches envisaged by the United Nations Representative. The draft resolution proposed a single procedure, restricted in advance and leading to a predetermined result.

Moreover, the proposals of Dr. Graham of 16 July had also stipulated a radically different character for the forces on each side a fact which the draft resolution overlooked. Under Dr. Graham's proposals, the forces on the Indian side were to remain under the complete control of the Government of India, whereas those on the other side were to be separated

Digitized by Google

from the administrative and operational control of the Pakistan High Command and were to be officered by neutral and local officers—a difference which Pakistan had rejected.

The Government of India had therefore, she said, been forced to refer again to the essential difference in the status of the parties which had been totally disregarded in the draft resolution.

As for the reference to a so-called "neutral force", originally proposed by Pakistan, India had long since rejected the idea of the imposition of a foreign force on its territory as being derogatory to the dignity and territorial integrity of an independent nation.

Further, the reference to the principle that demilitarization should be carried out in such a way as to involve no threat to the cease-fire agreement was misleading, since the relevant paragraph of Dr. Graham's proposals, paragraph 8, had no bearing on the principles for determining the character and quantum of the forces; the figures suggested in the 16 July proposals were entirely arbitrary and unrelated to the normal considerations determining the minimum need for security. India was resposible for the security and protection of the State, and therefore any alternative for the figure in considered the absolute minimum must be justified on realistic considerations of security.

The view that the limits suggested by Dr. Graham represented his considered judgment was also misleading in view of the United Nations Representative's definition, accepted by both parties, of his functions as those of a mediator whose duty was to find an approach acceptable to both Governments.

The Security Council had failed to address itself to the central and basic issue of aggression against India. Her Government, therefore must reject the joint draft resolution which, she maintained, went beyond the two resolutions of the United Nations Commission for India and Pakistan or ignored the vital elements of principle contained in these resolutions.

Digitized by Google

In reply, the representative of Pakistan maintained that the allegation of Pakistan's aggression against India was based on the false assumption that Kashmir was part of Indian territory and that the accession of that State to India was complete and valid. This however, was belied by the position which the Council had repeatedly taken that the accession was to be decided by a free plebiscite—a position that both parties had accepted. The so-called accession had been made after the people of Kashmir had successfully revolted against the tyranny of the Maharaja and had put him to flight. The occupation of Kashmir by Indian troops had thus been an act of aggression against the people of Kashmir, he stated. As to the so-called second invasion of Kashmir by regular Pakistan troops, he said that Pakistan troops had been sent as a result of a general offensive by the Indian army. In the face of that offensive, the Commander-in-Chief of the Pakistan army had recommended that the Indian army should not be allowed to advance beyond a certain line for various reasons vital to Pakistan, including the disruption which would have been caused by a renewed influx of refugees. That action could not be termed aggression because the territory involved had never been under the control or military occupation of India, even as a result of the supposed accession. In any case, the question was academic in view of the acceptance by the two Governments of the two resolutions of the United Nations Commission.

The crux of the matter, as the representative of India had said, was the implementation of that agreement, he said, and pointed out that paragraph 1 of the UNCIP's resolution of 5 January 1949 had provided that the question of the accession would be decided "through the democratic method of a free and impartial plebiscite".

Those resolutions had not required the large-scale disbanding and disarming of the Azad Kashmir forces, he said. Yet India made this a condition precedent to any withdrawal of the forces. The two sides had agreed, under paragraph 8 of Dr. Graham's proposals, that the demilitarization would be carried out in such a way as to involve no

Digitized by Google

threat to the cease-fire agreement. Yet, according to India, there should be substantial military forces on its side of the cease-fire line and none at all on the other side. Would there not be a serious threat to the cease-fire line in that event, the representative of Pakistan asked. It was clear that a certain number of forces must remain on the Azad Kashmir side to maintain law and order and to maintain the cease-fire line.

The representative of Pakistan stated that Pakistan had repeatedly accepted proposed solutions which had been rejected by India. Despite the public support by India for submission of disputes to international arbitration, it had refused several proposals for such arbitration on the meaning of the obligation undertaken under the two UNCIP resolutions. It had rejected the Commonwealth Prime Ministers' proposal to make available Commonwealth troops to facilitate a plebiscite. India had rejected in all some fourteen different proposals for solution of the question which had been accepted by the Pakistan.

In the course of the dispute proved anything, he said, it was that Pakistan was anxious to proceed to the holding of a plebiscite and that India was not. It was academic, therefore, to suggest that upon withdrawal of the bulk of India's forces from Kashmir, Pakistan would march in, destroying any possibility of a plebiscite's being held and inviting India to attack it from the rear and occupy it.

Dealing with the joint draft resolution, he submitted that, having regard to the agreements that existed and the needs on both sides, the numbers suggested were not fair to the Pakistan side of the cease-fire line. Would not the proposal set up an imbalance that would cause apprehension on one side that the cease-fire line might not be adhered to? Despite those considerations, Pakistan was prepared to go forward even on the basis of that resolution. Nevertheless, ther were to matters in which the proposal did not appear to aim at achieving progress:

(1) the parties were to seek out each other and go into conference; and

Digitized by Google

(2) the parties were to report the results to the Council. The Council owed it to the United Nations Representative, to the parties to the dispute and to the people of Kashmir that the United Nations Representative should retain the initiative in the matter, that the conversations should take place under his auspices and that he should report to the Security Council.

In conclusion, the representative of Pakistan, noting that the representative of India had indicated India's view that a minimum force of 28,000 was required to carry out its responsibilities, proposed that the resolution of 13 August 1948 be implemented immediately on the basis that India would retain that number of forces on its side of the cease-fire line including State armed forces, and without armour or artillery. On the Pakistan side, Pakistan would carry out the full obligations undertaken by it under that resolution. The Plebiscite Administrator would then take, over and carry out the functions entrusted to him by the resolution of 5 January 1949.

In reply, the representative of India reiterated the view that Kashmir's accession to India was complete when the instrument of accession was signed. The Indian Governor-General's declaration that the question would be settled by a reference to the people was, she said, a wish unilaterally expressed by him which did not alter the fact or the validity of the accession. The reference was to have been made when the land was cleared of the invader. But the invader had remained and the reference to the people had been delayed.

It had been argued that the invasion of the State could not be regarding as aggression since it preceded accession, but, since Pakistan had then had a stand-still agreement with Kashmir, it had been aggression against that State and, after, the accession, against India as well.

As to the second invasion by Pakistan, she maintained that Pakistan had exceeded the right of self-defence because there was no attack on its territory. In this connexion she

Digitized by Google

referred to Article 51 of the Charter which stipulated that there must be an attack on the Member which takes defensive measures and that the measures it takes should be reported to the Security Council. None of the two requirements had been fulfilled at the time when Pakistan sent its troops into Kashmir.

She said that the Pakistan representative's attempt to claim merit for acceptance of various proposals and at the same to discredit India for inability to concur was misleading. Pakistan had accepted and India rejected the Council's resolution of 21 April 1948. But that had been followed by Pakistan's invasion of the State, on the one hand, and by India's co-operation and negotiation with UNCIP on the other, despite the grave provocation offered by Pakistan's acts. Again, Pakistan had accepted Dr. Graham's proposals of 16 July 1952. But Pakistan's acceptance was subject to the condition that the character of the forces should be the same on both sides of the cease-fire line, a condition that had nullified that acceptance. In the same way, Pakistan had nullified its acceptance of Dr. Graham's proposals of 4 September 1952 by refusing to accept India's responsibility for the security of the State. India had considered that those proposals contained the germ of a settlement.

Dealing with Pakistan's offer agreeing to the retention of 28,000 Indian troops, the representative of India said that the Azad Kashmir forces were indistinguishable from regular Pakistan troops. Since the resolution of the Commission of August 1948 envisaged the withdrawal of all Pakistan forces, it must apply to all armed formations including Azad troops, Gilgit scouts and others. Moreover, the Plebiscite Administrator was only responsible for the disposition, i.e. the location of the Indian forces not for any reduction in their number; they could not be reduced below the minimum necessary for maintaining law and order.

In a further reply, the representative of Pakistan recalled that he had already pointed out, on the issue of accession, that India's position had been that, on independence, the sovereignty of the States rested in the people, and he had

Digitized by Google

stressed the fact that, long before the alleged accession, there had been a difference between the Maharajah and his people which had reached the point of revolt. Even if the Azad forces were now under the control of the Pakistan army such control would cease when the Pakistan army withdrew. The question of the disbandment and disarming of the Azad forces, however, would rise when the Plebiscite Administrator took over. It could not be argued that the people of the State, who had taken up arms in August 1947, were invaders who had to withdraw. What was delaying progress in organizing and holding the plebiscite was the refusal of India to withdraw its forces in accordance with the two UNCIP resolutions that it had accepted. Nowhere in those resolutions was the security of the State made the sole responsibility of India. The reference to "due regard to the security of the State" dealt with the functions of the United Nations Representative, succeeding the Commission, and the Plebiscite Administrator, who, after the withdrawal of the bulk of the Indian forces and after the Representative was satisfied that peaceful conditions had been restored, were to determine, in consultation with the Government of India, the final disposal —not disposition—of Indian and State armed forces. His Government, he said, agreed that there should be no departure from the two resolutions of the Commission. But India asked for a great deal more which was not provided for by those resolutions or which was not provided for during the stages at which India required it.

In reply to the representative of India, the representative of the United Kingdom stated that he did not see any inconsistency between the joint draft resolution and the two agreed UNCIP resolutions. Analysing the provisions of the joint draft resolution from that point of view, he noted that it had been accepted by both parties that the provisions of the two UNCIP resolutions should be combined so as to produce one continuous demilitarization process. The only extra element which had been introduced into Dr. Graham's proposals of 4 September, and consequently into the joint draft resolution,

Digitized by Google

was that the number of forces should be determined with due regard to the maintenance of the cease-fire agreement. But that did no more than reflect the agreement already reached in paragraph 8 of Dr. Graham's proposal that demilitarization would be carried out in such a way as to involve no threat to the cease-fire agreement.

The two alternative approaches mentioned by Dr. Graham had been combined in the joint draft resolution only after the most careful thought. The United Kingdom Government thought it wise to avoid the possibility that one of the parties might choose to negotiate in accordance with one of the alternatives and the other party in accordance with the other. As for the question whether the United Nations Representative was competent to assess the strength of military forces to be left behind in the State at the end of the demilitarization process, the resolution of 5 January 1949 made it clear that the Representative as the successor of the Commission, together with the Plebiscite Administrator, would be responsible for determining the final disposal of the armed forces, in consultation with the Government of India, such disposal to be "with the regard to the security of the State and the fre dom of the plebiscite". The freedom of the plebiscite and the security of the State were both matters to which considerable weight must be attached and in regard to which some kind of balance might have to be struck.

The representative of the United States concurred with the view expressed by the United Kingdom representative.

Reiterating the views expressed by him in January (see above), the representative of the USSR said that Dr. Graham's reports, like the documents submitted earlier, showed the futility of attempts to seek agreement on the demilitarization of Jammu and Kashmir and on the holding of a plebiscite there under United Nations auspices. The United States and the United Kingdom, he said, had for five years done all in their power to protract a settlement of the question. These two countries were intervening in the internal affairs of Kashmir with a view to transforming that territory into a strategic base against the Soviet Union. He quoted a statement in which Admiral

Digitized by Google

Radford, the Commander-in-Chief of the United States Fleet in the Pacific, had stressed the strategic importance of Pakistan. He said that, despite India's refusal to allow a United Nations Dr. Graham had returned to that proposal in his last report when the proposal took the form of operational and administrative control of Azad Kashmir troops by the United Nations through local or neutral officers like all earlier resolutions on the question, the joint draft resolution, he said, excluded any possibility of a decision by the people of Kashmir themselves without outside pressure or interference. The correct way to solve the question would be to have the status of Kashmir determined by a constituent assembly elected by the people of the State on a democratic basis, in accordance with their right to self-determination.

In reply to the charge that the United States and the United Kingdom were trying to establish an aggressive base in Kashmir the United Kingdom representative stated it was obvious that such a proposal would be completely opposed to the known policies of both India and Pakistan. It would always be open, he said, to the USSR to oppose a recommendation by the Council for a neutral force in Kashmir, should such a recommendation be made. But he did not see what the USSR could do should the parties agree to some such proposal.

The representative of the Netherlands considered that the presence of a considerable number of forces in the State would, admittedly, not create or facilitate conditions for a fair and impartial plebiscite. There must therefore be the greatest possible demilitarization and a reasonable proportion between the military forces on either side of the cease-fire line. He supported the joint draft resolution because it seemed likely to promote an agreement on that basis and was a fair proposal. The representative of Brazil also supported the joint draft. He found it hard to believe that two nations with so many ties and so much in common would be unable peacefully to settle their differences. A new effort should be made to that end. The representative of China observed that no member of the Council, apart from the parties, had ever

Digitized by Google

discussed the charges of aggression. Instead, the Council had accepted the basic agreement of the parties that the question of the accession of the State should be decided by a fair and impartial plebiscite under the auspices of the United Nations. He hoped that the joint proposal might serve as a basis for the renewal of successful negotiations.

The representatives of the United Kingdom and the United States accepted a Netherlands amendment (S/2881) to the joint draft resolution providing that the negotiations would be under the auspices of the United Nations Representative and deleting the reference to their being held at the Headquarters of the United Nations.

The representative of India pointed out that his Government had already stated that it was unable to accept the joint draft resolution. It was not prepared to be a party to any talks on the basis suggested in paragraph 7 of that proposal. With those explicit reservations, however, the Government of India, in line with its readiness to explore all avenues toward a peaceful settlement, would be prepared to join and continue in any talks in connexion with the dispute. If the Council still considered it useful or necessary to proceed with the draft resolution, his Government could only profoundly regret the decision.

As amended, the joint draft resolution (S/2883) was adopted by 9 votes to none, with 1 abstention (USSR). Pakistan did not participate in the voting.

The resolution read :

"*The Security Council*

"*Recalling* its resolutions of 30 March 1951, 30 April 1951, and 10 November 1951 ;

"*Further recalling* the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir

Digitized by Google

to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations ;

"*Having received* the Third Report dated 22 April 1952 and the Fourth Report dated 16 September 1952 of the United Nations Representative for India and Pakistan ;

"*Endorses* the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan ;

"*Notes* with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve point proposals ;

"*Notes* that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve point proposals;

"*Urges* the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease fire line at the end of the period of demilitarization. this number to be between 3 000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (Annex III of S/2783) such specific numbers to be arrived at bearing in mind the principles of criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (Annex VIII of S/2783) ;

"*Records* its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end ;

"*Requests* the Governments of India and Pakistan to report to the Secretary Council not later than thirty days from

Digitized by Google

the date of the adoption of this resolution; and further requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress."

At its 611th meeting on 23 December 1952, the Security Council adopted a resolution (S/-2883), which, among other things, urged the Gobernments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization. That number was to be between 3,000 and 6,000 armed forces on the Pakistan side and between 12,000 and 18 000 on the Indian side, such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783, Annex 8). The United Nations Representative was requested to continue to make his services available to the two Governments, which in turn were requested to report to the Council not later than 30 days from the date of adoption of the resolution. The Council also requested the United Nations Representative to keep it informed of any progress.

On 23 January 1953, the United Nations Representative informed (S/2910) the Security Council that the Governments of India and Pakistan had agreed that a meeting of representativs of the two Governments at ministerial level should be held under his auspices in Geneva, beginning 4 February 1953. The negotiations were to be continued on the basis of the United Nations Commission for India and Pakistan (UNCIP) resolutions of 13 August 1948 (S/995) and 5 January 1949 (S/1196), bearing in mind the assurances, clarifications and elucidation given to the Governments of India and Pakistan by UNCIP. That basis was to be without prejudice to a further consideration, if necessary, of the twelve proposals of the United Nations Representative.

By a letter dated 27 March 1953 (S/2967), the United Nations Representative transmitted his fifth report to the Security Council. In the report, the Representative set forth

Digitized by Google

the views of the parties on the implementation of part II, A (1) and (2) (relating to the withdrawal of tribesmen and of Pakistan troops and Pakistan nationals not normally resident in the State) and B (1) and (2) (relating to the withdrawal of the bulk of Indian forces and the maintenance of Indian forces to assist local authorities in maintaining law and order pending a final settlement of the situation) of the UNCIP resolution of 13 August 1948. The results of the meetings and conversations on that question, the United Nations Representative reported, had led him to the conclusion that agreement was not possible at that time between the two Governments on a truce agreement based solely on part II of the 13 August 1948 resolution, and it had appeared to him that the same difficulties which had existed as early as 1949 were still the main obstacles in the way of carrying out the commitments embodied in part II. He had felt that he could not continue that approach because the figures proposed by each side were not negotiable with the other side. In accordance with the terms of reference agreed upon between the two Governments for the conference, further consideration of the Representative's twelve proposals and ensued.

Having met separately with the representatives of the two Governments on 14 February, the United Nations Representative had presented to them for discussion revised proposals, the text of paragraph 7 providing, *inter alia*, that, at the end of the period of demilitarization, there would remain on the Pakistan side of the cease-fire line an armed force of 6,000 separated from the administrative and operational command of the Pakistan High Command and without armour or artillery. At the end of that period an Indian armed force of 21,000, including State armed forces, was to remain on the Indian side of the cease-fire line. That force was also to be without armour or artillery.

Among the comments of the parties on paragraph 7 of the revised proposals were the following. The Government of India was unable to agree to retention of any military forces in the so-called Azad Kashmir territory. It held that the function of preventing violations of the cease-fire line on

Digitized by Google

the Azad Kashmir side could be effectively performed by a civil armed force consisting of 2,000 armed and 2,000 unarmed men. The Government of India was willing to agree to some increase in the number of that proposed civil armed force.

The Government of Pakistan held that paragraph 7 contravened the Security Council resolution (S/2883) of 23 December 1952. The arbitrary raising of the figure of the numbers on the Indian side to 21,000, as against 6,000 Azad Kashmir forces, would put the Security of the Azad Kashmir area in serious jeopardy and would destroy the safeguard that the demilitarization should be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period of demilitarization. The figures proposed, the Government of Pakistan maintained, amounted to clear indication to the Government of India that its sustained attitude of intransigence would ultimately procure the formulation of a truce agreement on its own terms.

After thorough consideration and further conversations with the parties, the United Nations Representative had felt that there was no ground left at that stage on which to continue the conference and therefore, in agreement with the two representatives, he had decided to end it.

Dealing with the issue covered in paragraph 7 of his proposals, namely the number of character of forces to remain on each side of the cease-fire line, the United Nations Representative said that he held no brief for lower figures of 3,000 to 12,000 or the higher figures of 6,000 to 21,000. As a mediator whose responsibility had been to keep striving for a settlement, he had hoped that a basis for the negotiation of an agreement might be found. It appeared obvious that the Government of India, under the two UNCIP resolutions, had some larger responsibilities on its side of the cease-fire line than had the local authorities in the evacuated territory on the other side. Without recognition of the Azad Kashmir Government and without prejudice to the sovereignty of the State of Jammu and Kashmir, it also appeared obvious that there should be in the evacuated territory effective local

Digitized by Google
Digitized by CC-0. In Public Domain

authorities and effective armed forces. In the Azad Kashmir territory, it was proposed those armed forces would be organized out of the remainder of the Azad Kashmir forces without armour or artillery, and thereafter would be commanded by local officers under the local authorities. under the surveillance of the United Nations. The United Nations Representative observed that the difference over definite numbers, important as it was, was not as great as the difference between inducting and not inducting the Plebiscite Administrator into office. The transformation in the situation which would come from the simple fact of induction into office of the Administrator was most important for the great objective of the self-determination of the people of the State.

The Security Council did not discuss this report during 1953.

Communications from Pakistan to the Security Council

On 16 November 1956, the representative of Pakistan informed the President of the Security Council by letter that, according to press reports, a constitution for the State of Jammu and Kashmir, framed by an assembly calling itself a Constituent Assembly and sitting at Srinagar, was due to come into force on 26 January 1957. Further, that part of the Constitution integrating the State into India would come into force on 17 November 1956. The move would nullify Council's resolution of 30 March 1951 and the assurances given by the Indian representative at that time. It would also run counter to the Council's objective that the accession of the State to India or Pakistan should be decided by a plebiscite under United Nations auspices.

Any action by India aimed at integration of the State of Jammu and Kashmir into its territory, the representative of Pakistan said, would constitute a violation of United Nations resolutions and a repudiation of international agreements to which India was a party, India should be called upon to desist from such action.

Digitized by Google

On 26 November, in another letter, the representative of Pakistan reported to the Council that it had now been confirmed that the action which, according to Indian press reports, was to be taken on 17 November 1956 by the "so-called Constituent Assembly at Srinagar", had been taken. He asked the President of the Council to seek clarification from the Government of India.

On 2 January 1957, the Foreign Minister of Pakistan informed the Security Council, by letter, that India had refused, "on one pretext or another", to honour its international commitments accepted under the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) adopted on 13 August 1948 and January 1949 respectively. Pakistan was therefore forced to the conclusion that continuance of direct negotiations between the two Governments held no prospect of settling the dispute. Believing that the current situation called for firm and timely action by the Council, he requested an early meeting of the Council to consider the Kashmir question.

Consideration by Security Council

The Security Council considered the question at 14 meetings between 16 January and 21 February 1957.

In the discussion, the representative of Pakistan made the point that the dispute between his country and India involved, in essence, the right of the people of the State of Jammu and Kashmir to self-determination. Until a plebiscite had been held, he also contended, the territory was neither part of India nor of Pakistan, despite the *de facto* situation whereby India occupied part of the State and the authority of Azad Kashmir prevailed over the remaining portion of the State. On the basis of the two resolutions of UNCIP, which had been accepted by the parties, an international agreement bound India and Pakistan. No part of the agreement, which was an integral whole, could be used, repudiated or frozen unilaterally. He further questioned India's asser-

Digitized by Google

tion that the State was legally part of the territory of the Indian Union.

The representative of India said that his Government's approach to the Kashmir problem, since 1 January 1948, had been on the following considerations, among others: The State had legally acceded to India. It was a constituent unit of the Union of India, and the only authority that could legally separate the State of Jammu and Kashmir from the Union was the sovereign Parliament of India. The territorial integrity of the State was inviolable, and Pakistan had committed an act of aggression against the State and therefore against India and must "vocate that aggression". India stood by its commitments under the UNCIP resolutions in the light of its under-standing of them and of the explanations and assurances given to it by UNCIP as regards the provisions of the resolutions. In view of the changed conditions, which had altered the circumstances relating to the proposals, India could not forever regard these proposals as applicable or binding.

On 24 January, the Council adopted, by 10 votes to 0, with 1 abstention (USSR), a draft resolution sponsored by Australia, Colombia, Cuba, the United Kingdom and the United States. It thereby declared that the convening of a Constituent Assembly and any action it might have taken or might attempt to take to determine the future shape and affiliation of the State of Jammu and Kashmir or any action taken to support such action by that Assembly would not constitute a disposition of the State in accordance with the principle enunciated in earlier resolutions. In adopting this resolution, the Council also recalled its resolutions of 21 April and 3 June 1948, of 14 March 1950 and 30 March 1951, and the UNCIP resolutions of 13 August 1948 and 5 January 1949.

On 20 February, another draft resolution was submitted to the Council by Australia, Cuba, the United Kingdom and the United States. By this, the Council would voice concern at the lack of progress in settling the dispute and, considering the importance it had attached to the demilitarization of the

Digitized by Google

State of Jammu and Kashmir preparatory to the holding of a plebiscite, would note Pakistan's proposal for the use of a temporary United Nations force in connexion with demilitarization and would state its belief that the use of such a force deserved consideration. By the operative part of the draft, the Security Council would ask its President (the representative of Sweden) to visit the sub-continent to examine with the Governments of India and Pakistan proposals which, in his opinion, would help to bring about demilitarization or further the settlement of the dipute. The President would be directed to take into account the previous resolutions of the Council and of UNCIP and to report to the Council not later than 15 April 1957.

The draft resolution received 9 votes in favour, 1 against (USSR), with 1 abstention (Sweden). It was not adopted as the negative vote was that of a permanent member of the Council. Amendments proposed by Colombia and the USSR also failed of adoption.

Following the rejection of the four-power draft resolution, Australia, the United Kingdom and the United States submitted another text. Recalling its resolution of 24 January 1957 and its previous resolutions, the Council would thereby ask its President: (1) to examine with the Governments of India and Pakistan any proposals which, in his opinion, were likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Council and of UNCIP; (2) to visit the sub-continent for this purpose; and (3) to report to the Council not later than 15 April 1957. India and Pakistan were invited to co-operate with the President in his task.

On 21 February, the three-Power draft resolution was adopted by 10 votes to 0, with 1 abstention (USSR).

The President of the Council at the time this resolution was adopted was Gunnar V. Jarring of Sweden.

Digitized by Google

Report of Mr. Jarring

Mr. Jarring visited India and Pakistan between 14 March and 11 April 1957, and had a number of discussions with the two Governments. On 29 April, he submitted his report.

Mr. Jarring said that, in view of the statements made by the representatives of India and Pakistan to the Council that their Governments had accepted the UNCIP resolutions of 13 August 1948 and 5 January 1949, he had attempted to find out what was impeding the full implementation of those two resolutions, and to find a solution for the problems which had arisen in connexion with them.

The resolution of 5 January 1949 envisaged the holding of a plebiscite to decide the accession of the State of Jammu and Kashmir to India or Pakistan. In exploring this question, Mr. Jarring said he had been aware of the grave problems that might arise in connexion with, and as result of, such a plebiscite. In consequence, he had made a number of suggestions to both Governments by which the difficulties could be met, or at least substantially mitigated, but they had not prove mutually acceptable

According to India, Mr. Jarring reported, there were two factors which prevented the implementation of two UNCIP resolutions :

(1) Pakistan had not implemented Part I (entitled "Cease-fire order") of the resolution of 13 August 1948, particularly section B and E. (Under section B, the High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. Under section E the two Governments agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.) For that reason, India had considered it premature to discuss either implementing Parts II and III of that resolution or implementing the resolution of 5 January 1949. (Part II of the resolution of 13 August 1948 deals with the principles to serve as a basis for the formulation of a truce

Digitized by Google

agreement. Part III contains : a reaffirmation by the two Governments of their wish that the future status of Jammu and Kashmir shall be determined in accordance with the will of the people : and an agreement to enter into consultations on plebiscite conditions. The resolution of 5 January 1949 sets forth details on the proposed plebiscite).

(2) As to Part II of the resolution of 13 August 1948 (which deals with a truce agreement), it was India's view that it was incumbent on the Council to express itself on what India considered to be aggression committed by Pakistan against India and equally incumbent on Pakistan "to vacate the aggression." India had argued that, prior to the fulfilment of these requirements on the part of the Council and of Pakistan, India's commitments under the resolution could not reach the operative stage.

Mr. Jarring said he had explained to the Government of India that the Council had properly taken cognizance of India's original complaint and that it was not for him to say whether the Council's resolutions on the matter had been adequate or not. He had pointed out that, regardless of the merits of the present position taken by India, it could not be over-looked that India had accepted the two UNCIP resolutions.

Pakistan for its part, had maintained that it had implemented Part I of the resolution of 13 August 1948 fully and in good faith and that the time had come to proceed to the implementation of Part II.

Mr. Jarring said that, under the circumstances, he had decided it might be appropriate to approch first the question of the implementation of Part I of the UNCIP resolution (of 13 August 1948). His impression was that India attached substantial weight to the absence of "an atmosphere favourable to the promotion of further negotiations" as envisaged in section E of that resolution, and it had repeatedly stressed that the military status quo envisaged in section B did not obtain, owing to the policies pursued by Pakistan.

In order to break the deadlock on the implementation of Part I, he said he had asked the two Governments whether

Digitized by Google

they would be prepared to submit to arbitration the question of whether or not that part of the resolution in question had been implemented. He used the term "arbitration" largely in the sense of a determination of certain facts in question. In case the arbitrator or arbitrators found that the implementation had been incomplete, his suggestion envisaged that they would also be empowered to indicate the measures to be taken to attain full implementation of Part I. It was further envisaged that, after a given time-limit, they would determine whether the indicated measures had been followed and whether Part I of the UNCIP resolution of 13 August 1948 had been implemented.

Pakistan, after a certain amount of hesitation, had accepted his suggestion in principle, Mr. Jarring said. India, however, had considered arbitration as he had outlined it would not be appropriate. India explained that it was not against the principle of arbitration ; but it felt that the issues in dispute in the present instance did not lend themselves to arbitration, as outlined by him, because such a procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of India in respect of this territory. India was also apprehensive that arbitration, even on an isolated part of the resolutions, might be interpreted as indicating that Pakistan had a locus standi in the question

Mr. Jarring further reported that, in dealing as extensively as he had done with the problem, he could not but take note of the concern expressed in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia. The Council, he added, would be aware that the implementation of international agreements of an ad hoc character, if not achieved fairly speedily, might become progressively more difficult because the situation with which they were designed to deal tended to change.

While he felt unable to report to the Council any concrete proposals which, in his opinion, were at that time likely

Digitized by Google

to contribute towards a settlement of the dispute, Mr. Jarring concluded that his examination of the situation as it then obtained would indicate that, despite the deadlock, both parties still wished to find a peaceful solution to the problem. They were willing to co-operate with the United Nations to this end.

Further Communications from India and Pakistan

In a letter sent to the President of the Security Council on 29 April 1957, the representative of Pakistan drew attention to a press report indicating closer association of Jammu and Kashmir with India's development programme, for which purpose the State had been made a member of the Northern Zonal Council of India. This new move, he commented, constituted a further step towards determining unilaterally the future shape and affiliation of the state. Pakistan took a a grave view of the situation created by India's action and reserved its right to seek further action by the Security Council with regard to that matter.

On 5 August 1957, in another letter, the representative of Pakistan declared that it appeared that India had settled a large number of non Muslims, who were not residents of the State of Jammu and Kashmir, in the area under its control and that it had also allotted property left behind by Muslim residents to such non-Muslim settlers. This action contravened the Security Council resolution of 17 January 1948 and was designed to enable India to assert later that the plebiscite had become more difficult because of changed circumstances. Moreover, India's move would also result in the harassment of the native population of the State, leading to an increased influx of Muslim refugees from the India-held zone into Pakistan or Azad Kashmir.

The representative of India, in a letter dated 9 August 1957, rejected the allegations in the Pakistan letter of 5 August as false and baseless. No non-resident, he said, was permitted to become a resident of Jammu and Kashmir and no evacuee property could be allotted to any non-resident.

Digitized by Google

Evacuee properties in Jammu and Kashmir were being alloted to refugees driven from their homes in Pakistan-occupied areas of the State. Consequently, the allegation that India had contravened the Council's resolution of 17 January 1948 was without foundation.

The Indian representative stressed, too, that the increased movement of persons over the cease-fire line had been into Jammu and Kashmir rather than in the opposite direction.

Further, the term "India-held zone" had no sanction in the Security Council or UNCIP resolutions and was a patent misrepresentation of the facts. Pakistan, he said, was in occupation of the territory of the Union of India by aggression and continued to be in occupation of that territory in violation of the Council resolution of 17 January 1948 and the two UNCIP resolutions.

In another letter dated 21 August, the representative of India, referring to a press report on the subject, cited the execution of the Mangla Dam project by the Government of Pakistan as a further instance of Pakistan's consolidating its authority over the Indian territory of Jammu and Kashmir and of the exploitation of that territory to the disadvantage of the people of the States and for the benefit of the people of Pakistan. Pakistan's action, he added, was in violation of the Council resolution of 17 January 1948 and of the assurances given to India by the Chairman of UNCIP.

In a letter dated 3 October 1957, the representative of Pakistan stated that the Mangla Dam project was being carried out co-operatively by the Pakistan Government and the Azad Kashmir authorities. It would greatly strengthen the economy of the Azad Kashmir area and would in no way adversely affect any existing interests. India, he added, had carried out a number of projects on its side of the cease-fire line. If India's action could not be deemed to aggravate the situation in terms of the resolution of 17 January 1948, Pakistan failed to understand how a development project in the Azad Kashmir area could be described as a violation of that resolution.

Digitized by Google

Council's Consideration of Mr. Jarring's Report

On 21 August 1957, the representative of Pakistan asked that a meeting of the Council be called to discuss Mr. Jarring's report and to consider further action.

The Security Council took up consideration of the report on 24 September 1957 and held 14 meetings on the India-Pakistan question between 24 September and 2 December.

In the course of the discussion, the representatives of two parties concerned reiterated views expressed earlier in the year and made various observations on Mr. Jarring's report.

The representative of Pakistan, pointing out that his Government had accepted Mr. Jarring's suggestions, concluded that they were unacceptable only to India He considered India's present refusal to enter into negotiations for implementation of Part II of the UNCIP resolution of 13 August 1948 (on the plea that Part I had not been implemented) was an excuse for reopening issues which had long been settled.

The charge of aggression levelled by India, he maintained, had been summarily dismissed by Mr. Jarring as irrelevant to his task. This position was in accordance with that taken on the issue both by UNCIP and the United Nations mediators.

The representative of India observed that Mr. Jarring has described the suggestions he had made to the parties as not having been "mutually acceptable"; this clearly meant that Mr. Jarring had been unable to find common ground

The representative of India disagreed with the statement in the Jarring report that India's attitude had been negative on arbitration of the question as to whether Part I of the UNCIP resoluion of 13 August 1948 had been implemented. Mr. Jarring's suggestion, he noted, had envisaged that the arbitrator should be empowered to indicate to the parties measures for full implementation. India's attitude had been positive from the beginning, but there was no need to arbitrate the obvious fact that Pakistan had increased its military potential and that an atmosphere in which a plebiscite might

Digitized by Google

be held did not prevail. India could not accept arbitration on matters involving its honour and integrity.

The representative of Sweden thought that certain legal aspects of the Kashmir question might usefully, and at an appropriate time, be referred to the International Court of Justice for an advisory opinion. These aspects related to the legality of the accession of the State of Jammu and Kashmir and to the obligations of India and Pakistan in respect of a plebiscite if a confirming plebiscite was a condition for the accession.

The representative of India stated his Government's willingness to answer the question raised at an appropriate time.

The representative of Pakistan had no doubt that his Government would give due consideration at the appropriate time to the Swedish representative's suggestion. In his view, however, the issues involved were political rather than jurisdicial.

On 16 November 1957, the representatives of Australia, Colombia, the Philippines, the United Kingdom and the United States submitted a joint draft resolution to the Council.

By the preamble to this text, the Council would thank Mr. Jarring and make the observation that the Governments of India and Pakistan recognised and accepted the commitments undertaken by them in the two UNCIP resolutions of 13 August 1948 and 5 January 1949, which envisaged the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through a free and impartial plebiscite. The Council would also take into consideration the importance it had attached to demilitarization of the State as one of the steps towards a settlement.

By the operative part of the draft resolution, the Council would in effect :

(1) ask the two Governments in effect to avoid aggravation of the situation and to establish and maintain an atmosphere favourable to the promotion of further negotiations;

Digitized by Google

(2) ask the United Nations Representative for India and Pakistan (Dr. Frank P. Graham) to make any recommendations to the parties for further action which he considered desirable in connexion with Part I of the UNCIP resolution of 13 August 1948, having regard to his third and fifth reports and to the report of Mr. Jarring, and to enter into negotiations with the two Governments in order to implement Part II of the 13 August 1948 resolution, and in particular, to reach agreement on a reduction of forces on either side of the cease-fire line to a specific number, arrived at on the basis of the relevant Security Council resolutions and having regard to Dr. Graham's fifth report; and

(3) call upon the Governments of India and Pakistan to cooperate with the United Nations Representative in order to formulate an early agreement on demilitarization procedures, which should be implemented within three months of such an agreement being reached.

On 27 November, Sweden submitted a number of amendments to the five-power draft resolution.

By one of them, the Council would make the observation that the Governments of India and Pakistan recognised and accepted the provisions in the Council's resolution of 17 January 1948 and in the UNCIP resolutions of 13 August 1948 and 5 January 1949 (rather than state that the two Governments recognised and accepted "the commitments undertaken by them" in these two UNCIP resolutions).

By another Swedish amendment, to the operative part of the draft resolution, the United Nations Representative would only be asked to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the UNCIP resolutions and towards a peaceful settlement. Sweden also proposed deleting the operative paragraph in the draft text which called

Digitized by Google

upon the two Governments to co-operate in the formulation of an early agreement on demilitarization procedures.

On 2 December 1957, the sponsors of the joint draft resolution indicated that they welcomed the Swedish amendments in the hope that, while preserving the balance of the draft resolution, they might meet some of the difficulties which it had evidently created. The amendments were adopted by 10 votes to 0, with 1 abstention (USSR). The draft resolution as amended with then approved by an identical vote.

By the operative part of the resolution as adopted, the Security Council thus asked the Governments of India and Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation, and to appeal to their respective peoples to help create and maintain an atmosphere favourable to the promotion of further negotiations. It asked United Nations Representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress towards the implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949 and towards a peaceful settlement. The United Nations Representative was authorised to visit the sub-continent for these purposes, and was instructed to report on his efforts as soon as possible to the Council.

Report of United Nations Representative

On 2 December 1957, the Security Council authorized Dr. Frank P. Graham, the United Nations Representative for India and Pakistan to make recommendations to the Governments of India and Pakistan for appropriate action towards a peaceful settlement of their dispute over the State of Jammu and Kashmir.

At the request of the Security Council, Dr. Graham visited the Indian sub-continent and held a number of discussions separately with the Governments of India and Pakistan between 12 January and 15 February.

Digitized by Google
UNIVERSITY OF CALIFORNIA

Following the consultations in India and Pakistan, Dr. Graham transmitted a report to the President of the Security Council on 28 March 1958 setting forth five recommendations which he had submitted to the two Governments on 15 February 1958 describing their reactions to these proposals.

In order to create a proper framework for direct negotiations between the two Governments he had proposed : (1) a renewed declaration by the two Governments appealing to their respective peoples to assist in creating an atmosphere favourable to future negotiations, and an undertaking to refrain from statements and actions which would aggravate the situation ; (2) a reaffirmation by both Governments that they would respect the integrity of the existing cease-fire line ; (3) a study, under the auspices of the United Nations Representative, of how the territory in the State of Jammu and Kashmir to be evacuated by the Pakistan troops (under a resolution adopted by the United Nations Commission for India and Pakistan (UNCIP) on 13 August 1948) could, pending a final solution, be administered ; in this connexion, consideration was to be given to the possibility of stationing a United Nations force on the Pakistan side of the border following the withdrawal of the Pakistan Army ; (4) an early agreement between the two Governments on the holding of a plebiscite in the contested territoty ; and (5) a Prime Ministers' conference between India and Pakistan, to be held under the auspices of United Nations Representative.

Dr. Graham reported that Pakistan had agreed in principle to the five recommendations. Among other things, it was prepared to withdraw Pakistan troops from Jammu and Kashmir simultaneously with the withdrawal of the bulk of the Indian forces in stages to be agreed upon with UNCIP ; and it was agreeable to considering the stationing of a United Nations force on the Pakistan side of the border.

India, Dr. Graham said, had declared itself unable to accept the recommendations, since it felt that they were made without regard to the failure to implement Security Council and UNCIP resolutions, a failure for which it held Pakistan responsible. Furthermore, India did not look with favour on

Digitized by Google

the substance of the recommendations, and considered that his approach was not feasible.

Dr. Graham nevertheless hoped that, in view of the desire of both parties for a peaceful settlement, the two Governments would keep under consideration his proposal for a high-level conference between them.

The Security Council did not discuss the India-Pakistan question during 1958. It did, however, receive a number of communications as indicated below.

Communications from Pakistan and India

On 20 January 1958, India, referring to a communication it had sent to the Security Council on 21 August 1957, stated that according to published reports, the Government of Pakistan had signed an agreement with an engineering firm of the United Kingdom in respect of the Mangla Dam construction. Thus, for its own benefit, Pakistan had taken further steps to exploit the people and resources of the territory of the Union of India, which it continued to occupy in defiance of the Security Council resolution of 17 January 1948 and the UNCIP resolutions of 13 August 1948 and 5 January 1949. Moreover, Pakistan was forging ahead with the construction of the Mangla Dam against the pronounced opposition from the people of the area, who were nationals of India.

On 24 January 1958, Pakistan replied that the Mangla Dam was being constructed cooperatively by Pakistan and the Azad Kashmir authorities as had been previously explained in a Pakistan communication of 3 October 1957. Pakistan then quoted from press reports to show that there was enthusiatic support from the people of Kashmir for the Mangla Dam project.

In a letter dated 28 March 1958, Pakistan drew attention to a press report announcing India's decision to integrate the services of the State of Jammu add Kashmir with those of India and also to bring the State Executive under the jurisdiction of the Comptroller and Auditor-General of India. Pakistan considered such moves to be in contravention of resolutions

Digitized by Google

of the Security Council, particularly the provisions for the final disposition of the State of Jammu and Kashmir to be made in accordance with the wishes of the people expressed in a free and impartial plebiscite.

On 24 April 1958, India replied that Pakistan had misrepresented the measures taken by India, and asserted that the State of Jammu and Kashmir had been an integral part of the Union of India since 26 October 1947.

In a series of letters between 11 April and 30 December 1958, Pakistan charged that a "reign of terror" had been let loose by the "so-called Government of Indian-occupied Kashmir." Reference was made in this connexion to the re-arrest of Sheikh Mohammad Abdullah who, along with other prominent Kashmiri leaders, was being brought to trial for alleged conspiracy against the State of Jammu and Kashmir with the aim of facilitating its annexion by Pakistan. The trial was described as a political manoeuvre to suppress and intimidate those within the State who continued to demand the implementation of the Security Council's resolutions.

In letters contesting these charges, India stated that Pakistan's allegations concerning a so-called reign of terror in Jammu and Kashmir were part of a campaign of hatred and calumny against India. The State of Jammu and Kashmir had ordered the detention of Sheikh Abdullah as "his remaining at large was hazardous to the security of the State." This was a matter entirely within the jurisdiction of the State of Jammu and Kashmir, a constituent State of the Union of India and Pakistan's protest against Sheikh Abdullah's arrest constituted an attempt at interference in the internal affairs of a member State in violation of the United Nations Charter.

To this, Pakistan replied that for India to invoke the domestic jurisdiction clause of the Charter was a provocative act. The question of Jammu and Kashmir continued to be a question under United Nations consideration. Moreover, it was basic in international law that no State should advance the provisions of its domestic constitution as a reason for its failure to discharge any obligation arising for an international treaty or agreement. India had assumed such obligations by

Digitized by Google

accepting certain provisions of resolutions of UNCIP on the status of Jammu and Kashmir.

India, on the other hand, maintained that the issue of Kashmir was not a territarial "dispute" between India and Pakistan; it was a "situation" which had arisen out of Pakistan's aggression against India, but this had not altered the status of Jammu and Kashmir as an integral part of the Union of India.

On 17 January 1959, Pakistan after referring to its earlier communications relating to the arrest of Sheikh Mohammad Abdullah, former Premier of the State of Jammu and Kashmir, stated that Sheikh Abdullah was being brought to a "stage-managed" trial—solely because he had been demanding the implementation of Security Council resolutions —and that this was a matter of immediate concern to the United Nations. On 5 February 1959, Pakistan further stated that Sheikh Abdullah was being treated as an ordinary criminal defendent, deprived of the special treatment to which he was entitled under the law.

India, in two letters dated 4 and 5 March 1959, said that Sheikh Abdullah's trial was an internal matter to be dealt with by the Government of Jammu and Kashmir and that the Government of Pakistan had no locus standi in the matter. India contended that the object of Pakistan's communications regarding the arrest of Sheikh Abdullah was to make propagandist use of the forum of the United Nations.

On 7 May 1959, Pakistan replied that, since the question of Jammu and Kashmir continued to be a matter under United Nations consideration, it was Pakistan's duty to keep the Security Council informed of all pertinent and developing facts. Pakistan trusted that the Council would take note of the aggravating effect which Sheikh Abdullah's imprisonment had unavoidably had on the situation in Kashmir.

On 7 August 1959, India drew attention to a Radio-Pakistan broadcast of 17 July 1959 to the effect that the construction of the Mangla Dam was to be stepped up

Digitized by Google

during the year. India called this a further violation by Pakistan of Indian territory in Jammu and Kashmir and of the provisions of the Security Council's resolution of 17 January 1948, and recalled that it had already protested twice to the Council.

On 11 September 1959 Pakistan replied that the Mangla Dam project was being executed as a joint venture of the Governments of Azad Kashmir and Pakistan for the mutual benefit of their peoples. Pakistan had shown at the outset of the dispute that the so-called accession of the State of Jammu and Kashmir was fraudulent and illegal and could not make that territory a part of the Indian Union. United Nations resolutions had laid down clearly that the future status of the State should be decided by free and impartial plebiscite. The assumption that it was Indian territory was, therefore, wholly unwarranted.

On 29 October 1959, India stated that Pakistans contention that neither its Government nor the United Nations had made any admission of aggression by Pakistan stood denied by the records of the United Nations.

On 9 September 1959, Pakistan stated that India was planning to extend the jurisdiction of its Supreme Court and Election Commission to the Indian occupied part of Jammu and Kashmir in violation of Security Council resolutions, which had asked India not to introduce any measures which might perpetuate is hold on the State of Jammu and Kashmir.

On 12 October, India replied that, since its accession towards the end of October 1947, Jammu and Kashmir had been a constituent State of the Indian Union. It was therefore surprising that Pakistan should consider it necessary to object to normal democratic, legal and administrative processes introduced in the territory of the Indian Union at the request of the Government of a constituent State.

On 12 November 1959, India referred to a report in the Pakistan press to the effect that the Azad Kashmir Government had decided to sell all property in West Pakistan beloging to Jammu and Kashmir State. India said that since

Digitized by Google

the Government of Jammu and Kashmir was the only lawful Government of the State, the proposed sale would be unlawful and fraudulent.

On 3 December 1959, Pakistan, after referring to press reports regarding events in the eastern part of the province of Ladakh of the State of Jammu and Kashmir, emphasized that, while it was unable to endorse the reasons for action or counter-action taken by India and China, the present situation in Ladakh should not be allowed to obscure or detract from decisions of the Security Council and of the United Nations Commission for India and Pakistan (UNCIP). The substance of those decisions was that the final disposition of the State of Jammu and Kashmir should remain in accordance with the will of the people expressed through a free and impartial plebiscite. The preservation of the international frontiers of Jammu and Kashmir fell directly within the primary resposibility of the Security Council and no Government could take any action with regard to those frontiers except in accordance with the Council's decisions. No positions taken or ajustments made by either of the parties to the present controversy between India and China would be valid or affect the status of the territory of Jammu and Kashmir.

On 22 December 1959, India replied that Pakistan's objective in sending its latter of 3 December had apparently been to put pressure of India and aggravate the situation caused by Chinese incursions into the Indian Union territory of Ladakh. It was a further attempt, India said, to mislead the Council by suggesting that a sovereign authority to look after the securit of the State of Jammu and Kashmir had still to be evolved and that, meanwhile, the responsibility for the security of the State had been assumed by the Security Council. The proposals made by UNCIP and the Security Council to resolve the situation created by Pakistan's aggression had been based on the sovereignty of the Jammu and Kashmir Government over its entire territory and on the responsibility of the Union of India for its defence, including the maintenance of law and order. India was doing its best,

Digitized by Google

by peaceful means, to resolve the situation created by Chinese incursions into the Indian Union territory of Ladakh; in pursuance of its inherent right of self-defence, it would take all necessary measures against any violation of its territory.

During 1960, several communications concerning the India-Pakistan question were addressed to the President of the Security Council by Pakistan and India. Some concerned issues raised in communications from these Governments during 1959.

In a letter of 22 January 1960 to the President of the Security Council, Pakistan maintained, among other things, that facts relating to the Kashmir dispute did not support India's contention that the State of Jammu and Kashmir had been a constituent state of the Indian Union since October 1947. India's moves towards integrating the state with the Indian Union were not even remotely of a democratic character. The so-called "Government of the constituent state" was not legally constituted and was but a puppet regime sustained only by India's overwhelming military presence in Kashmir.

On 2 March 1960, India replied that its stand relating to the State of Jammu and Kashmir was that it was a constituent state of the Indian Union and had been recognized as such all along by the Security Council, the United Nations Commission for India and Pakistan (UNCIP) and in the assurances given by the Commission to the Prime Minister of India. Pakistan's objective in pursuing its obstructive tactics seemed to have been to consolidate its own position in the area which it had occupied and still was occupying unlawfully.

The extent to which the Government of Jammu and Kashmir had safeguarded peace and law and order and had carried out guarantees of human and political rights, in accordance with an UNCIP resolution of 13 August 1948, could be judged by statements made be independent observers who had visited Kashmir from time to time, the India letter stated.

Digitized by Google

Another set of communications in 1960 concerned the question of Chinese incursions into Ladhakh, the subject of letters submitted to the President of the Security Council by Pakistan and India on 3 and 22 December 1959, respectively.

A letter of 24 March 1960 from Pakistan regretted that India had, in a communication of 22 December 1959, construed Pakistan's letter of 3 December 1959 on the subject as a means of putting pressure on India and aggravating a situation caused by the Chinese incursions into Ladakh. Pakistan said its communication of December 1959 was intended to clarify and place on record its position on a development of extreme importance to the peace of the entire South-East Asian region concerning a territory in dispute which was being dealt with by the Security Council. On 17 January 1948, Pakistan's letter recalled, the Security Council had placed an obligation upon both India and Pakistan to keep the council appraised of all important developments in regard to the situation in the State of Jammu and Kashmir and to consult with it thereon. India had not consulted the Council on the grave situation created by Chinese incursions into the territory of the Jammu and Kashmir State. Pakistan had therefore considered it its duty to draw the Council's attention to and clarify its own position on the change in the situation in the disputed State. Pakistan was confident that the Security Council would react to the situation in Ladakh on the basis that no dispute over the territory of Jammu and Kashmir or any part thereof could be settled except in accordance with the freely expressed will of the people concerned.

Replying on 20 May 1960, India said that the recent incursion by China into the territory of the Indian Union did not give Pakistan, itself an older aggressor on Indian territory, the right to exploit to its advantage a similar aggression from another quarter. Pakistan was using its unlawful occupation of part of the State of Jammu and Kashmir to instigate subversion and sabotage in the territory of the Indian Union.

Digitized by Google

Yet another set of communications—one from Pakistan, dated 29 March 1960, and one from India, dated 27 May 1960—related, among other things, to the use of, and conclusions drawn from, excerpts from the texts of proceedings of the Security Council and of UNCIP.

On 1 November 1960, Pakistan addressed a further letter to the President of the Security Council, saying that while it did not accept the contents of India's communications of 2 March and 20 and 27 May 1960, it felt it inopportune, however, to enter into any controversy at that juncture in view of the fact that the President of Pakistan and the Prime Minister of India had agreed, according to a communique issued on 23 September 1960, to give further thought to the Kashmir question with a view to finding a solution.

On 11 January 1962, Pakistan requested a meeting of the Security Council to consider further action in the dispute concerning the State of Jammu and Kashmir, in the light of the last report of the United Nations Representative for India and Pakistan, submitted on 28 March 1958, and subsequent developments. Pakistan stated that it was forced to do this because efforts at the highest level for direct negotiations with India had failed. Moreover, recent statements by responsible people in India constituted a grave threat to the maintenance of peace in the region.

On 16 January, India stated, in a letter to the President of the Security Council, that the Council should refuse to comply with Pakistan's request. Pakistan's contentions regarding the failure of efforts for direct negotiations, and regarding the existence of a threat to peace, were completely unfounded. It was Pakistan which posed a threat to the maintenance of peace by continued attempts at subversion and sabotage. So far as India was concerned, the avenues of direct negotiations were always open; however, the Pakistan Government was trying to exploit the Council as a propaganda forum on the eve of India's general elections, a time which was hardly proper either for direct negotiations or for a discussion in the Council.

Digitized by Google

On 29 January, Pakistan informed the President of the Security Council, by letter, that a very grave situation prevailed between India and Pakistan which called for immediate consideration by the Council. Recent statements by responsible leaders of opinion in India seemed to indicate that there had been a significant reversal of policy on the part of India with reference to the question of Kashmir and that the Indian Government had apparently decided to repudiate all its obligations, agreements and undertakings in respect of the Kashmir dispute. The situation, added Pakistan, was exacerbated by repeated declarations to the effect that the existence of Azad Kashmir constituted "aggression" by Pakistan and that the "aggression" should be stopped by the "liberation" of the Azad Kashmir territory. It was clear, Pakistan maintained, that India's stand on possible negotiations was limited by the Indian Prime Minister's frequently repeated statement that he was not prepared to negotiate a settlement of the Kashmir dispute itself, namely, the accession of the State to Pakistan or India, through a fair and impartial plebiscite; he was prepared only to discuss "adjustments," meaning minor rectifications of the cease-fire line. The situation was daily becoming more precarious. Pakistan would, therefore, request the Council to take up the question as an urgent matter.

On 1 February, the Security Council agreed, without objection, to include the item in its agenda and considered it at eleven meetings held between 1 February and 22 June 1962. The representatives of Pakistan and India were invited to participate in the discussions.

The representative of Pakistan, after reviewing the events relating to the question of Jammu and Kashmir and the lack of progress in its solution, stated that during the past few months tension between India and Pakistan had mounted to a dangerous degree, and declarations by Indian leaders had created a sense of crisis in Pakistan and a sense of foreboding that perhaps it might be difficult to maintain peace between the two countries. After quoting from Indian statements to the effect that India might resort to force in having the Azad Kashmir area "liberated" the representative of Pakistan said

Digitized by Google

that, in view of those statements and other declarations to the effect that India would not negotiate on the question of a plebiscite, Pakistan wondered what stock to put by the so-called offer of negotiations. Moreover, the fundamental question was the question of self-determination of the people of Kashmir. Even assuming that Pakistan was at fault, the people of Kashmir continued to have their inherent right to determine their own future.

It was necessary, added Pakistan's spokesman, to make progress in the implementation of the two resolutions of the United Nations Commission for India and Pakistant (UNCIP) (of 13 August 1948 and 5 January 1949) in order to improve relations between the two countries. The two UNCIP resolutions, having been accepted by both parties, had formed an international obligation and should be implemented in good faith.

The people of Kashmir, who had been given an assurance to that effect by the Security Council, should not be deprived of their inherent right to self-determination, the representative of Pakistan continued. Accordingly, the Security Council should devise a method of doing this on the basis of the recommendations of the United Nations Representative for India and Pakistan. It might also request the President of the Council to get in touch with the parties and try to settle the differences between them. It was not correct to say that the situation in Kashmir had become stable and that it should not be disturbed. Pakistan would agree to any method of determining what were the obligations of the parties under the two UNCIP resolutions, what had delayed their implementation, which of the two parties was in default and what needed to be done by either side to advance the matter. If Pakistan was found to be in default in any of those respects, it would rectify that at the earliest possible time. Such a determination, the representative of Pakistan suggested, could be entrusted to the United Nations Representative or a new selection could be made from any other region, including Asia or Africa.

Digitized by Google

The representative of Pakistan also suggested, at a later stage in the debate, that the International Court of Justice might be asked for an advisory opinion to determine what were the obligations of the parties under the two UNCIP resolutions, in view of the changes which had taken place, the time which had elapsed and the fact that the implementation of the two resolutions had come to a stop.

The representative of India stated that there appeared to be no urgency whatsoever for the consideration by the Council of the Kashmir question. No new factor had emerged in relation to Kashmir since the last meeting of the Security Council in 1957, and there was no threat of use of force by India as alleged by Pakistan. India had in the past offered to Pakistan to sign a "no-war declaration," to which Pakistan had not agreed. India wished to settle its differences with Pakistan by peaceful means and by negotiations, and it was for that reason that the Prime Minister of India had invited the President of Pakistan for talks.

The representative of India then stated that the accession of the State of Jammu and Kashmir was full and complete because there was no such thing as provisional accession in the Indian constitution. If that accession had to be altered, both the acceding side and the receiving side had to agree. The conditions for holding a plebiscite had not yet been fulfilled. Pakistan, which was supposed to withdraw all its troops and "vacate" its aggression, had not yet done so. More than 12 years had elapsed, and conditions had changed not only in India and Pakistan but in South-East Asia as a whole. India would not do anything that would shake its stability, undermine its territorial integrity or create conditions of trouble in South-East Asia. India had honoured the cease-fire line and would not take the initiative in using force. However, that did not mean that India would not defend its sovereignty and integrity.

The situation in Kashmir, India's representative said, was not a matter for the International Court of Justice. It was a political issue. Moreover, as members of the Commonwealth, India and Pakistan had made certain exceptions

Digitized by Google

in regard to matters which could be referred to the International Court.

The majority of members of the Security Council welcomed the assurances of the two parties that they would not resort to force and urged them to negotiate directly for a peaceful solution.

The representatives of Chile, China, France, Ireland, the United Kingdom, the United States and Venezuela maintained the Security Council's responsibility in the dispute. It was also maintained that a solution should be found on the basis of the Council's previous resolutions as well as of the two UNCIP resolutions. Some speakers also suggested the possibility of assistance in the negotiations by an impartial third party.

The representatives of Ghana and the United Arab Republic emphasized the need to find a solution acceptable to both parties ; the parties alone could solve the question, and they could do so within the framework of the United Nations Charter and with the encouragement of the Security Council.

The representative of the USSR said that it would be completely unrealistic to refer to resolutions of 13 years ago because of the changes which had taken place in the intervening period ; he wondered whether those who sought to refer to them seriously believed that a plebiscite could be held at this juncture ; to do so would constitute a flagrant interference in the domestic affairs of India. Similarly, the idea that some form of arbitration or mediation should be introduced into the bilateral talks was also invalid. The talks could take place only if both sides desired them ; they could not be imposed. It would be best for the Council to limit its present discussions to taking note of the fact that both India and Pakistan had stated that they would not initiate the use of force in solving the Kashmir question and that neither party had rejected the idea of bilateral negotiations.

The representative of Romania stated that nothing had happened to justify a new examination of the question by the Security Council. The Security Council could contribute usefully to the solution of the question by urging direct talks

Digitized by Google

between the parties and by preventing further complications in the situation by outside elements.

On 22 June, Ireland submitted a draft resolution whereby the Council would urge the Governments of India and Pakistan to enter into negotiations at the earliest convenient time with a view to the ultimate settlement of the Kashmir question in accordance with Article 33 of the United Nations Charter and with other relevant provisions of the Charter. By this text, the Council would a so remind both parties of the principles contained in its resolution of 17 January 1948 and of the UNCIP resolutions of 13 August 1948 and 5 January 1949. Further, it would appeal to the two Governments to take all possible measures to ensure an atmosphere favourable to the promotion of negotiations, and to refrain from making any statements of taking any action which might aggravate the situation.

By the preambular paragraphs of the resolution, the Council would not with satisfaction the pledges made by the two parties that their Governments would not resort to force and would express awarness of its own responsibility for helping them to reach a peaceful solution of the question. The Council would also express its best thanks to the United Nations Representative, Dr. Frank P. Graham, for his efforts.

The representative of Ireland stated that the draft resolution represented the widest possible measures of common agreement existing at the present time.

The representative of India, however, stated that his Government was against any resolution coming from the Council at that time, because no resolution would have any "factual relevance" except one calling upon Pakistan to vacate its aggression, and this the Council was not ready to do.

The draft resolution received 7 votes in favour to 2 against (Romania and USSR), with 2 abstentions (Ghana and the United Arab Republic). It was not adopted owing to the negative vote of a permanent member of the Council.

Digitized by Google

A series of communications were addressed by India and Pakistan to the President of the Security Council during 1963 on the India-Pakistan question.

In a letter dated 16 March 1963, India drew the attention of the Security Council to the Sino-Pakistan border agreement, signed in Peking on 2 March 1963, which India considered as having unlawfully apportioned part of the Indian Union territory in Jammu and Kashmir between the two signatories. India informed the Security Council that on 5 March it had lodged a protest against the signing of the agreement with the Government of Pakistan.

In a letter to the Council dated 10 April, Pakistan maintained that India's letter of 16 March contained allegations which were without any basis in fact and in law and which sourht to misrepresent certain facts that were on the record of the United Nations. The Sino-Pakistan border agreement did not "apportion" any part of the Indian Union territory to either Pakistan or to China, as the territory involved was that of Jammu and Kashmir which, of course, was not the territory of the Indian Union. In fact, no apportionment of any territory was involved because the agreement merely sought to delimit and demarcate a boundary on the basis of the traditional customary line, including natural features.

On 7 October, India, in continuation of its letter of 16 March, forwarded to the Security Council copies of notes it had sent to the People's Republic of China and to Pakistan protesting against the fixing of boundary markers "on Indian territory of the State of Jammu and Kashmir by the Governments of the People's Republic of China and Pakistan."

On 9 October 1963, Pakistan addressed a further letter to the Security Council in which it drew attention to press reports to the effect that Bakshi Ghulam Mohammed, "the so-called Prime Minister of the Indian-sponsored regime in the State," had announced "moves to integrate the disputed State of Jammu and Kashmir more fully into the Indian Union." These moves, if carried out, would constitute, according to the Government of Pakistan, a further contravention of the fundamental principle of the two resolutions

Digitized by Google

of the United Nations Commission for India and Pakistan (UNCIP) and of resolutions of the Security Council, particularly those of 30 March 1951 and 24 January 1957, which had laid down that the final disposition of the State should be made by means of a free and impartial plebiscite conducted under the au pices of the United Nations.

In a letter to the Security Council on 12 November 1963, India replied that Bakshi Ghulam Mohammed, until a short time before the democratically elected Prime Minister of the State of Jammu and Kashmir was fully entitled to say what he did, both under the Jammu and Kashmir Constitution and under various provisions of the Constitution of India. Jammu and Kashmir was a constituent State of the Indian Union and, therefore, Indian Union territory. That legal and constitutional position was the basis of the Security's Council's resolution of 17 January 1948, the two UNCIP resolutions, and the assurances given to the Prime Minister of India by the Chairman of UNCIP.

In a letter of 1 November 1963, Pakistan drew the attention of the Security Council to what it described as "certain unmistakably hostile military activities" on the part of Indian authorities, which had resulted in a grave situation along the cease-fire line in Kashmir. Pakistan maintained that India, for some time past, had been taking measures to evict the Muslim population residing on the Indian side of the cease-fire line. Pakistan also alleged that Indian armed patrols had recently been paying increasing attention to Chaknot village which, though not lying on the Indian side of the cease-fire line, had been under the administrative control of Azad-Kashmir authorities ever since the conclusion of the Cease-Fire Agreement in 1949, Pakistan believed that by its activity along the cease-fire line India was aiming to convert that line into a kind of international boundary between Indian-occupied territory and Azad-Kashmir and, thus, to preclude the very settlement of the dispute contemplated by the Security Council on the basis of which alone the cease-fire was effected and maintained.

Digitized by Google

In a letter to the Council dated 27 November, India denied that it had carried out any military activites in or near the village of Chaknot on the cease-fire line and insisted that no Indian troops had been concentrated in that area. On the contrary, Pakistan's troops had been recently deployed in the Kel area in the vicinity of that village and Pakistan aircraft had been flying over that area. India maintained that it was absurd to suggest that Muslims were being rejected from Kashmir when Kashmir was a State where the Muslims formed a majority. United Nations observers were stationed along the cease-fire line and India had already brought Pakistan's violations of the Cease-Fire Agreement to their notice and had every confidence that the United Nations observers would duly ascertain the facts. Pakistan could also have referred its charges to the United Nations military observers but, instead of that, it had brought them to the attention of the Security Council with the sole object of maligning India and misleading the Security Council.

On 3 January 1964, India asked that the report of the United Nations Chief Military Observer, dated 27 November 1963, giving his awards on cease-fire violation complaints lodged by India and Pakistan with regard to Chaknot, be brought to the notice of the Security Council. The report had awarded a decision of Violation by Pakistan and a decision of No Violation in so far as complaints against India were concerned. On the same day, Pakistan addressed a letter to the Security Council, drawing its attention to an announcement made in the Indian Parliament on 27 November 1963, that the Government of India was taking certain steps towards integrating the Indian-occupied area of the State of Jammu and Kashmir with the Indian Union. Such a move, Pakistan maintained, furnished further proof of India's defiance of the Security Council, and the Government of Pakistan was apprehensive that unless the Government of India were persuaded to desist from violating its commitments with regard to Kashmir, the tensions between India and Pakistan might become uncontrollable.

Digitized by Google

On 16 January 1964, Pakistan requested an immediate meeting of the Security Council to consider what it described as the grave situation that it charged had arisen in the State of Jammu and Kashmir as a direct consequence of the unlawful steps that the Government of India was continuing to take in order to destroy the special status of that State.

In its letter, Pakistan also said that, as a result of the theft of a holy relic from the Hazratbal shrine in Srinagar, the Muslim population of Jammu and Kashmir had begun demonstrations, paralyzing life in Srinagar and many other parts of the State. The events in Kashmir were having a serious effect on public opinion in Azad Kashmir and Pakistan, and unless it could be demonstrated that the peaceful procedures of the United Nations were capable of halting India's repressive policy, the people of Azad Kashmir and Pakistan might, in desperation, turn to other courses.

In a letter of 24 January 1964, the representative of India said that his Government had already refuted Pakistan's allegations with regard to the special status of the State of Jammu and Kashmir. So far as the constitutional arrangements between the constituent State of Jammu and Kashmir and the Indian Union were concerned, nothing had happened to support, even remotely, Pakistan's allegations about the existence of a tense situation. In fact, Pakistan itself had taken every opportunity of creating difficulties and an atmosphere of crisis in Kashmir.

The Indian representative said that the theft of the holy relic had caused sorrow to people of all faiths in Kashmir. The demonstrations which had followed the theft were not of a political or communal character, and the demonstrators had appealed to the Government of India to help in recovering the holy relic, which had since been found and restored with due ceremony. In those circumstances, Pakistan's request for a meeting of the Security Council was purely propagandistic. The discussions in the Council could only lead to exacerbation of feelings and to a worsening of the communal situation. The primary need of the time was to establish harmony and peace between the various communities in India and Pakistan.

Digitized by Google

On 3 February 1964, the Security Council placed the item on its agenda, considering it at 15 meetings held between 3 February and 18 May 1964. The representatives of India and Pakistan were invited to participate in the discussion without the right to vote.

Opening the debate, the representative of Pakistan said that the situation in Kashmir was tense because of India's declarations of intent to further integrate the State within its territory and also to the resentment felt following the theft of the holy relic. During the last discussion of the Kashmir question by the Security Council in 1962, a majority of its members had urged the parties to enter into bilateral talks. These talks, undertaken through the good offices of the United States and the United Kingdom, had ended in failure. In the circumstances, Pakistan would urge the Security Council to take appropriate action to ensure that the Kashmir dispute should begin to move towards a peaceful and just solution in accordance with its previous resolutions and the right of self-determination of the people of Kashmir.

The representative of India said there was no question of further "integrating" Kashmir into the Union Territory, as the State of Jammu and Kashmir had become an integral part of India when the Ruler of the State executed the instrument of accession to India and the then Governor-General accepted that instrument. The two resolutions of the United Nations Commission for India and Pakistan—of 13 August 1948 and 5 January 1949—dealing with a plebiscite, were based on the condition that Pakistan must withdraw its troops and halt its aggression against that part of the State of Jammu and Kashmir which it had illegally occupied. It was only by Pakistan's compliance with that essential condition that the posibility of holding a plebiscite in Kashmir could arise.

India, he said, was always desirous of establishing normal and friendly relations with Pakistan. A Security Council resolution, however, could not help in that respect. India was prepared to take any and every step in co-opera-

Digitized by Google

tion with Pakistan to restore intercommunal harmony and would welcome a meeting of Minister of the two countries.

On 17 February, the Council adjourned its consideration of the question for the time being.

On 4 March, the representative of Pakistan asked that an early meeting of the Council be held to resume consideration of the question.

The representative of India, in a letter dated 8 March, objected to that request. On 17 March, the Council resumed its discussion of the question, but, on 20 March, it decided, on a motion by Czechoslovakia, to defer further consideration of the question until 5 May 1964.

Between 19 March and 24 April, both India and Pakistan addressed communications to the Security Council. On 19 March, Pakistan objected to a statement which, it said, the Indian Prime Minister was reported to have made in the Indian Parliament to the effect that if it became necessary "in defence of our territory to cross the [cease-fire] line, we will cross it". Pakistan regarded the statement as an unmistakable threat of the renewal of India's aggression on Kashmir.

On 20 March, India wrote to the President of the Security Council that Pakistan had placed a misleading construction upon the Prime Minister's observations in the Indian Parliament. India would scrupulously observe the cease-fire line—contrary to what Pakistan had been doing—but reseved the right to defend itself even if it involved a crossing of the line. This position was entirely in accordance with international law, India declared, and Pakistan had tried to mislead the Council in order to hide its own sinister designs and flagrant violations of the line.

On 14 April, Pakistan objected to published reports that a bill seeking to designate the head of "the disputed State of Jammu and Kashmir" as governor and the head of Government as chief minister, and to replace the state flag by the flag of the Indian Union had been introduced in the "so-called State Assembly". Pakistan regarded this as another step being taken by India to obliterate the political

Digitized by Google

identity of Jammu and Kashmir and to force its annexation with the Indian Union.

On 30 April, India replied that the statements made by Pakistan were divorced from reality and noted that India had already advised the Security Council that it could not give an assurance that it would not proceed with the constitutional processes which it considered necessary in the State of Jammu and Kashmir.

On 24 April, India transmitted a copy of a protest it had made to Pakistan concerning an attack which it stated had been made by Pakistan armed forces on an Indian police patrol near Keran.

On 5 May, the representative of Pakistan stated that the movement of protest, to which he had earlier drawn the Security Council's attention, still continued in the State of Jammu and Kashmir and that India had shown no signs of changing it policy, notwithstanding the release from political imprisonment of Sheikh Abdullah, the acknowledged leader of the people of Kashmir. At the same time, the Kashmiri people had demanded that a plebiscite be held in the State.

The representative of Pakistan then suggested that the situation in Kashmir could be verified by a fact-finding body of the Council. He also proposed that Sheikh Abdullah be invited to give the Council information that might be of assistance in examining the Kashmir question.

The representative of India reiterated that there was no "revolt" in Kashmir and no "movement of protest," as alleged by Pakistan. In fact, there was complete communal harmony in that part of India, and even during the episode of the theft of the holy relic not a single incident had taken place to mar the friendship of the various communities living in Kashmir. Sheikh Abdullah's release also proved that the situation in Kashmir was absolutely normal. The Government of India would oppose Pakistan's proposal to invite Sheikh Abdullah to appear before the Council, as his status was that of a private citizen of India. The parties before the Council were India and Pakistan, and they alone could decide upon the composition of their delegations.

Digitized by Google

The Indian repsesentative also maintained that the Kashmir question would not be solved by imposing a solution from outside or by intervention by a third party in the direct discussions that the two countries might decide to have.

All members of the Council welcomed the improvement in the situation on the sub continent since the Council's consideration of the question in February and March. They noted that communal disturbances had sub-sided and that talks between the Home Ministers of the two countries had begun. They also welcomed the release of Sheikh Abdullah and stated that his talks with the Prime Minister of India were encouraging. They hoped that the parties would abstain from any actions which might aggravate the situation and that an improved atmosphere would encourage the two parties to resume direct negotiations on all of their differences.

Some members of the Council—among them Brazil, the Ivory Coast, Morocco and Norway—emphasized that the two parties should seek a solution of their dispute in accordance with previous decisions of the Security Council and taking into consideration the wishes of the people of the State of Jammu and Kashmir. They believed that in that respect the good offices of the Secretary-General could, if considered appropriate by the parties concerned, be of great assistance.

The representatives of Czechoslovakia and the USSR maintained that the Kashmir question, which was primarily a legacy of colonial rule, could best be settled by direct talks between the two countries without any outside intervention. It was also for the two parties to decide on the question of recourse to the Secretary-General.

At the suggestion of Brazil, supported by Norway, the Council decided that the President, after consultations with the members of the Council, should gather and submit the conclusions which had emerged from the debate so that the current discussion of the India-Pakistan question could be concluded.

On 18 May, the President said he had tried to carry out the task entrusted to him by the Council at its previous

Digitized by Google

meeting to work out the agreed conclusions of the Council's debate. Despite every effort, it had not been possible to reach unanimity on one of the important points. He was thus unable to present an overall conclusion but must limit himself, in the first part of his report, to setting forth the points where no difference of opinion appeared between the members of the Council and, in the second part of the report, the different trends expressed on another point.

In the first part of the President's report, the conclusions were stated as follows:

(a) The members of the Council recalled that, especially during the month of February, they had already expressed the views of their Governments on the basic facts pertaining to the problem, including the pertinent resolutions of the United Nations, the question of the juridical status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid.

(b) The members of the Council expressed their concern regarding two great council's which should have good relations one with the other and the opinion that the present differences between them—particularly the question of Jammu and Kashmir—should be settled amicably in the interests of world peace.

(c) The members of the Council expressed their feeling that recent developments might lead to a softening of the positions adopted, to better mutual understanding and, therefore, to a situation in which the conversations between the parties concerned would have a better chance of leading to a settlement.

(d) The members of the Council expressed their conviction that everything possible should be done to

Digitized by Google

consolidate these favourable elements and to avoid jeopardizing these advantages, which would require on the part of the parties concerned an attitude of conciliation and moderation and, on the part of the United Nations, an attitude of prudence, as well as careful and vigilant attention.

(e) The members of the Council expressed the hope that the two parties would abstain from any act that might aggravate the situation and that they would take such measures as would re-establish an atmosphere of moderation between the two countries and also peace and harmony among the communities.

(f) The members of the Council expressed the hope that, in the light of the debate, the two countries would resume their contacts as soon as possible in order to resolve their differences by negotiation, in particular, their differences related to Jammu and Kashmir.

The second part of the President's report made the following points:

A number of members of the Council had expressed the view that the Secretary-General of the United Nations might possibly give useful assistance to the parties to facilitate the resumption of negotiations on the question of Jammu and Kashmir or to assis them in carrying out these negotiations if they should meet with any difficulties. Other members of the Council, on the other hand, had expressed the view that the negotiations between India and Pakistan might be complicated by the intervention of any outside elements, and that the parties should be left to come to agreement on the very principle of turning to the Secretary-General.

Digitized by Google

Finally, the President said that the India-Pakistan question remained an the agenda of the Security Council.

The representative of Pakistan said it was evident that all members of the Council had made it clear that the Security Council had a continuing obligation to bring about a peaceful settlement of the dispute. It had also been made clear that no settlement of the dispute would be genuine and durable if it did not take into account the wishes of the people of Jammu and Kashmir.

With regard to direct negotiations Pakistan's experience over the years had been discouraging. The fact that all efforts in that connexion had failed repeatedly showed that it was not within the power of one party alone to make negotiations constructive and meaningful, and that, further, they could not be made so without reference to the wishes of the people of Jammu and Kashmir. Pakistan had hoped that the Security Council would be a positive and material factor in the situation and that it would firmly lay down the framework within which contacts between India and Pakistan could be carried on for a solution of the problem. It would also have liked to see a definite role assigned to the Secretary-General of the United Nations to enable him to facilitate progress and to ensure a fruitful result of those contacts.

The representative of India said that one of the factors emerging from the debate in the Council was that in the State of Jammu and Kashmir there was complete peace and normalcy, instead of an open revolt as alleged by Pakistan. The second factor that emerged was that the question before the Council could only be solved by bilateral negotiations, and any intervention by a third party would only hinder those negotiations. India wanted a settlement with Pakistan, but Pakistan must accept the fact that Kashmir was an integral part of India and that no country could be a party to surrendering a part of itself. The Indian representative also said that his country was always ready and willing to receive the Secretary-General as an honoured guest but it would not wish him to come in the context of the Kashmir debate unless both parties agreed that he should do so.

Digitized by Google

Further charges and counter-charges relating to alleged violations of the Cease-Fire Agreement and the legal status of the State of Jammu and Kashmir were made on 27 July, 21 August and 17 and 26 December 1964.

The India-Pakistan question has frequently been before the Security Council since 1948. During the first half of 1965, the situation in the Rann of Kutch led to an increase in tension between India and Pakistan, which culminated in armed conflict between the two countries. During this period, the Governments of India and Pakistan also addressed a series of communications to the Security Council concerning Kashmir. On 30 June 1965, the two parties reached an agreement for a cease-fire in the Rann of Kutch. Subsequently, as a result of a new outbrack of hostilities in Kashmir during August, the Security Council, beginning on 4 September 1965, devoted a total of 12 meetings to the dispute.

Communications to Security Council

Dispute Concerning the Rann of Kutch

By a letter of 11 April 1965 to the President of the Security Council, India charged that Pakistan had committed flagrant acts of aggression against India. Prior to the partition of India, the Indian complaint said, the province of Sind, which now forms part of Pakistan, and the State of Kutch and Gujarat, had well-defined boundaries, which had not been altered in any way by the partition of India. Some two months previously Pakistan armed personnel had made illegal intrusions into the area south of the boundary between Kutch and Sind, up to a distance of over two miles. India had protested against those intrusions and had proposed that a meeting be held between the two Governments so that a solution to the problem could be found. Instead of responding to India's proposals, however, Pakistan had, on 9 April 1965, mounted heavy attacks on two Indian police posts.

In letters of 19 April and 3 May 1965, Pakistan rejected India's allegations that Pakistan had committed aggression

Digitized by Google

against India and violated territory in the Rann of Kutch. At the end of January 1965, it said, Indian forces had begun to make systematic attempts to hinder Pakistan border patrols in their customary movements, and those attempts had continued in disregard of repeated warnings and protests. While expressing willingness to negotiate, India had taken military steps showing that it was determined to attempt a settlement by force. It was evident, Pakistan concluded, that negotiations could hardly be held with any hope of success in the atmosphere of tension created be those actions.

Replying to the statements made in Pakistan's letter of 19 April, India, in communications of 27 April and 3 May, reiterated its previous statements that the area in question lay fully within the territory of the Indian Union. Pakistan's aggression was continuing, India added; moreover, it had concentrated additional armed forces on the border and had ordered general mobilization.

On 7 May, 1965, Pakistan charged that during the preceding days the bulk of Indian armed forces had been moved close to Pakistan's border and was poised in apparent readiness for an attack on Pakistan. Faced with that situation, Pakistan said, it would have to take whetever action it considered necessary in exercise of its right of self-defence under the United Nations Charter.

On 28 May, the representative of India wrote that it was not his country but Pakistan which had deployed its troops in a manner such as to suggest a threat to the peace and security of India. Moreover, Pakistan's aggressive intentions had manifested themselves in a continuous series of violent incidents in various parts of the border between the two countries, posing a serious threat to international peace and security.

Replying to the charges in India's last three communications, Pakistan, in letters of 7 and 22 June, rejected the Indian claim for the alignment of the border along the northern edge of the Great Rann and cited evidence to support Pakistan's claim to the northern half of the territory. Although no country could surrender its rights and vital interests under the threat of force, Pakistan was willing to

Digitized by Google

submit the dispute over the Rann of Kutch to settlement by the method of arbitration or adjudication as laid down in the United Nations Charter. However India's response to Pakistan's proposal for withdrawal of armed personnel from the disputed area so that settlement could be sought through arbitration had been to threaten Pakistan with a war at a point of India's choosing.

On 6 July, Pakistan transmitted to the President of the Security Council the text of an agreement concluded on 30 June 1965 by India and Pakistan for a cease-fire in the Rann of Kutch. Among other things, the agreement called for an immediate cease-fire to take effect on 1 July 1965 and the restoration of the status quo ante, the withdrawal of all troops on both sides to be completed within seven days.

The agreement stipulated that the Ministers of the two Governments would meet in order to agree on the determination of the border in the light of their respective claim; and that, if no agreement on the determination of the border was reached within two months of the cease-fire, the two Governments would have recourse to a tribunal consisting of three persons, none of whom would be a national of either India or Pakistan. If the two Governments failed to agree on the selection of the tribunal's chairman within three months of the cease-fire, they would request the Secretary-General of the United Nations to nominate the chairman.

On 14 December 1965 the Secretary-General, at the request of the two Governments, nominated Judge Gunnar Lagergren of Sweden as chairman of the arbitral tribunal.

Communications Concerning Jammu and Kashmir

In a letter of 5 March 1965 to the Security Council, India protested against Pakistan's alleged attempt to integrate part of the Indian Union territory of Jammu and Kashmir with Pakistan, in violation of the Security Council resolution of 17 January 1948, and in letters of 17 March and 27 April 1965, it protested against the agreement between Pakistan and the People's Republic of China concerning the so-called boundary

Digitized by Google

demarcation of the Jammu and Kashmir borders with Sinkiang.

On 20 April 1965, Pakistan reiterated, by letter to the Security Council, its charge that, in annexing the State of Jammu and Kashmir to the Indian Union, India had acted in contravention of resolution of the United Nations Commission for India and Pakistan (UNCIP), of its legal obligations towards Pakistan and the people of Kashmir, and in defiance of Security Council resolutions.

Pakistan further stated in letters of 27 April and 17 May 1965 that the boundary agreement concluded with the People's Republic of China did not prejudice any interest that might derive from the international agreement between India and Pakistan with respect to the territory of Jammu and Kashmir.

On 18 May 1965, Pakistan drew the Security Council's attention to the situation created by the arrest of Sheikh Abdullah and his colleague, Mirza Afzal Beg, which, it said, was not only a provocation to the people of Kashmir and Pakistan but a defiance of the Security Council.

In further letters of 18 and 28 June 1965, Pakistan charged that for some time past an offensive built-up of Indian military forces has been taking place in the Indian-occupied part of the State of Jammu and Kashmir in violation of the Cease-Fire Agreement and of the resolution of 13 August 1948 of the United Nations Commission for India and Pakistan (UNCIP). On 17 May, Indian forces in Kargil had attacked and occupied three posts on the Pakistan side of the Cease-Fire Line (CFL), and again of 13 June they had attacked Pakistan posts west of Kargil.

On 27 August 1965, India—in two letters—rejected Pakistan's charge that it had illegally annexed the State of Jammu and Kashmir to the Indian Union and reiterated its contention that Pakistan had no authority to negotiate an agreement about Kashmir's border with the People's Republic of China.

Digitized by Google

Consideration by Security Council

(4-27 September 1965)

On 3 September 1965, the Secretary-General reported to the Security Council on the grave situation that had developed in Kashmir and the steps he had taken in seeking to avert further deterioration of the situation. There could be little doubt, the Secretary-General said, that the Kashmir problem had again become acute and represented a potential threat to peace not only between India and Pakistan but to the broader peace. Beginning on 5 August 1965, a large number of violations of the Cease-Fire Line had taken place which, according to the Chief Observer of the United Nations Military Observer Group in India and Pakistan (UNMOGIP), were to a considerable extent in the form of armed men, generally not in uniform, crossing the Cease-Fire Line from the Pakistan side for the purpose of armed action on the Indian side. These incidents were followed by heavy exchange of artillery fire across the line and crossings of the line by troops of both sides in several sectors.

On 9 August 1965, the Secretary-General had appealed to the Government of Pakistan for observance of the Cease-Fire Line and to the Government of India for restraint as regards any retaliatory action from its side. He had not obtained any assurance from Pakistan that the cease-fire would be respected or that efforts would be exerted to restore normal conditions, while India had indicated that it would act with restraint with regard to retaliatory acts and would respect the cease-fire if Pakistan did likewise. In view of the continuing deterioration in the situation and in view of reports indicating the steady escalation of the fighting, involving regular army forces on both sides, the Secretary-General had, on 1 September, addressed another appeal to the Prime Minister of India and the President of Pakistan to indicate immediately their intention hence-forth to respect the 1949 Cease-Fire Agreement.

Digitized by Google

Restoration of the cease-fire and a return to normal conditions along the Cease-Fire Line, the Secretary-General continued, could be achieved only under the following conditions: (a) willingness of both parties to respect the Agreement they had entered into; (b) readiness on the part of the Government of Pakistan to take effective steps to prevent crossings of the Cease-Fire Line from the Pakistan side by armed men, whether or not in uniform; (c) evacuation by each party of positions of the other party now occupied and withdrawal of all armed personnel of each party to its own side of the line, which would include the withdrawal once more of Indian troops from Pakistan positions in the Kargil area; (d) a halt by both parties to the firing across the Cease-Fire Line that had been occurring in some sectors with artillery and smaller guns; and (e) allowing full freedom of movement and access to United Nations Observers by both parties on both sides of the line.

On 4 September 1965 the Security Council met to consider the question, with the representatives of India and Pakistan participating in the debate without the right to vote.

The representative of India, opening the debate, said that the India-Pakistan issue had been before the Council since 1948, when India had first complained of Pakistan's aggression against the Indian State of Jammu and Kashmir. No satisfactory solution had yet been reached, he said, primarily because the Council refused to face the simple fact of aggression by Pakistan. Although the Cease-Fire Agreement of 1949 had not led Pakistan to vacate its aggression against Kashmir, the Government of India had always endeavoured to respect that Agreement. The Government and leaders of Pakistan, however, had shown scant regard for the Cease-Fire Agreement and the Cease-Fire Line. Over the years they had perfected the technique of sending troops across the line in civilian disguise. Most of those armed infiltrators, including the so-called "freedom fighters" and the members of the Azad Kashmir reserve forces, were part of Pakistan's regular or irregular army. There could thus be no doubt that whatever happened in Pakistan-occupied Kashmir was under the

Digitized by Google

control, direction and inspiration of the Government of Pakistan. That was the background of the invasion of Kashmir on 5 August 1965. On that day about 5,000 Pakistan troops, disguised as civilians, had begun to cross the Cease-Fire Line. There objectives were to destroy key installations, cut road communications, assassinate political leaders and officials and terrorize the population.

The representative of India recalled that similar attacks had been made earlier and that, in May 1965, the Indian Army had been forced to counter-attack the Pakistan troops in the Kargil sector and had captured three of their posts in order to ensure the safety of the road from Srinagar to Leh. India's forces had then withdrawn from those posts at the end of June. During the August invasion of the State, and for exactly the same reasons, Indian forces had once again occupied the three posts and had been forced, purely as a defensive measure, to cross the Cease-Fire Line and to occupy strategic points in the Tithwal and Uri sectors. This was the action which Pakistan claimed had led it to send its troops across the Cease-Fire Line on 1 September 1965. In fact the strength of the Pakistan troops engaged, and the support provided by armoured regiments and aircraft, left no doubt that the Pakistan attack had been premeditated and well planned, in utter violation of the Charter of the United Nations, the accepted principles of international law and the Cease-Fire Agreement.

The representative of India went on to say that in spite of the overwhelming evidence that the invasion had been organized by Pakistan and was directly controlled and conducted by it, Pakistan continued to maintain the fiction that what had occurred was a revolt of the people of the State against India. No such revolt had taken place. The revolutionary council alleged to have been set up by the people of the Indian State of Jammu and Kasemir did not exist. The facts were that Pakistan had once again committed aggression against the Indian State of Jammu and Kashmir, and had thereby torn the Cease-Fire Agreement to shreds and reduced the Cease-Fire Line to a shambles. The Security Council

Digitized by Google

must therefore consider the facts and conclude correctly, namely, that by condoning the aggression of 1947-48 the Council had unwittingly given some legal semblance to Pakistan's armed presence in a part of the Indian State of Jammu and Kashmir and so given it an excuse for perpetrating further aggression.

On behalf of his Government, the representative of India formally demanded that the Security Council condemn Pakistan as an aggressor and instruct it to withdraw from all parts of the Indian State of Jammu and Kashmir.

Pakistan's spokesman told the Council that his Government was giving the appeal made by the Secretary-General to the President of Pakistan the most earnest consideration. Reserving the right to reply later in a definitive manner, he repudiated the allegations made by the representative of India, which could be controverted by facts. Those facts related not only to India's traditional contempt for the Security Council's resolutions on Kashmir but also to its more recent aggressive acts, including its being the first to cross the Cease-Fire Line early in May, the escalation of the conflict by its air force and the shelling of a Pakistan town.

A draft resolution sponsored by the six non-permanent members of the Council—Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay—was then introduced. It called upon the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire; to respect the Cease-Fire Line and have all armed personnel of each party withdrawn to its own side of the line; and to cooperate fully with the United Nations Military Observer Group in India and Pakistan (UNMOGIP) in its task of supervising the cease-fire. It further requested the Secretary-General to report to the Council within three days on the implementation of the resolution.

The representatives of China, Jordan, the Ivory Coast, Malaysia, the Netherlands, the United Kingdom and the United States spoke in support of this draft resolutions, emphasizing the urgent need to bring about an end to the fighting.

Digitized by Google

The six-power proposal, was unanimously adopted on September 1965 as resolution 209 (1965). (For full text, see DOCUMENTARY REFERENCES below.)

In a telegram received on 6 September in reply to the Secretary-General's message of 1 September, President M. Ayub Khan of Pakistan asserted that the cease-fire had been reduced to nullity not on 5 August, but over a long period of time, as a result of Indian design. The cease-fire itself had flowed from the resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949, which constituted an agreement between the two parties to implement the pledge of a plebiscite in Kashmir, an agreement that had been subsequently repudiated by India. The people of Kashmir had now taken up arms in response to the Indian Government's course of annexing the occupied part of that State. The President expressed surprise and regret that the United Nations Military Observer Group had thought fit to conclude that the uprising in Jammu and Kashmir had resulted from crossings of the Cease-Fire Line by armed men from the Pakistan side. He stated that it was India which, after failing to suppress the revolt, had embarked on a course of unlimited aggression across the Cease-Fire Line and had since escalated the conflict, compelling the Azad Kashmir forces, backed by the Pakistan Army, to cross the Line. The President also expressed his misgivings about the proposal for a mere return to the status quo ante without assurances that the Secretary-General and the Security Council would strive to implement the United Nations resolutions concerning self-determination for Kashmir. However, he welcomed the Secretary-General's assistance towards the restoration of peace in Kashmir and the solution of its problems.

At its meeting on 6 September, the Security Council had before it a report by the Secretary-General on developments in the conflict between India and Pakistan. Reports received by the Secretary-General from the Chief Military Observer in Kashmir, General Robert H. Nimmo, indicated that the conflict was broadening and intensifying and that, according to the Pakistan Command, Indian troops had, on the early

Digitized by Google

morning of 6 September, attacked across the West Pakistan international border.

On the same day, in a telegram to the President of the Security Council, the Foreign Minister of Pakistan accused India of having mounted a treacherous armed attack and stated that Pakistan would exercise its inherent right of self-defence until the Security Council had taken effective measures to restore peace and security.

During the Council's meeting of 6 September the representative of Pakistan said that India's invasion of Pakistan was an event without parallel in the history of the United Nations. It was not only a brazen aggression on the territory of a Member State but also a deliberate transgression of the very purposes and principles of the United Nations. India's present attack on Pakistan had come as the culmination of a series of planned, provocative acts, he continued. Although the Foreign Minister of Pakistan, in response to the Security Council's appeal in 1964 for a climate of moderation between two countries, had offered a moratorium on all contentious issues between India and Pakistan. India's response, on 4 December 1964, had been to announce its decision to annex Kashmir in a way that would make self-determination impossible, and in May to rearrest Sheikh Mohammed Abdullah, the Kashmir leader who favoured self-determination. Those political moves had been followed by military action. Indian troops had been massed in offensive positions along the borders of West and East Pakistan and, on 17 May, Indian forces had crossed the Cease-Fire Line in the Kargil area of Kashmir and occupied three posts on the Pakistan side.

The representative of Pakistan asserted that non of the above-mentioned actions had had anything to do with the alleged infiltration of armed men into Indian-occupied Kashmir. Pakistan had solemnly declared that no troops of Pakistan or Azad Kashmir had crossed the Cease-Fire Line, and had suggested that the Secretary-General's Personal Representative, Dr. Ralph J. Bunche, proceed to both parts of Kashmir and examine the situation for him-self. If there was

Digitized by Google

any truth in India's allegations why had it not accepted that proposal? The Cease-Fire Line had been in a state of agitation for a year, with numerous violations on both sides. But there was a difference between violation and invasion, and it was India that had staged an invasion in Kashmir. That action had been announced in the Indian Parliament and publicized in the Indian press. When, after exercising restraint for two weeks, Pakistan had been forced to take defensive action in the Chhamb area of Kashmir, India had been the first to throw aircraft into combat and thus make another move towards escalation of the conflict.

The representative of Pakistan observed that the foregoing events had now been overshadowed by the attack on Pakistan territory that the Indian army had just launched across the international frontier on the Lahore front. The pretexts India was using to justify that attack were entirely false. It was in fact an act of naked aggression consistent with the attitude India had maintained in the Kashmir dispute for 18 years, which was to thwart every attempt, spurn every offer, and ignore every Security Council resolution which would facilitate the implementation of the international agreement embodied in the two resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, jointly accepted by India and Pakistan. Ever since the establishment of India and Pakistan as sovereign nations, India had sought to undo the partition of British India and to annex Pakistan; the occupation of Kashmir was a vital part of its design of eventually crushing Pakistan.

In conclusion, the representative of Pakistan stated that Pakistan appealed to all freedom-loving countries to support it in its exercise of its inherent right of self-defence. It would exercise that right until the Security Council took effective measures to vacate India's aggression against Pakistan and Jammu and Kashmir. Such measures, including enforcement action, were urgently required, and were the only way to secure a lasting peace in the region.

Digitized by Google

The representative of India then read to the Council his Government's comments on the resolution adopted by the Council at its last meeting. It was India's view that an immediate cease-fire and the implementation of the Security Council's resolution could be brought about only when Pakistan stopped further crossings of the Cease-Fire Line by armed and unarmed personnel, civil and military, whether or not in uniform, and removed all such personnel already on the Indian side of the Line. Pakistan must also halt its aggression in the Chhamb area, and undertake to respect the international border between India and Pakistan. Furthermore, India would have to be satisfied that such a situation would not recur.

At this meeting on 6 September, the Security Council unanimously adopted a resolution [210(1965)] sponsored by the six non-permanent members of the Counsil (Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay) which, after noting with deep concern the extension of the fighting: (1) called upon the parties to cease hostilities in the entire area of conflict immediately, and promtly withdraw all armed personnel back to the positions held by them before 5 August 1965; (2) requested the Secretary-General to exert every possible effort to give effect to this resolution and the resolution of 4 September 1965, to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situations in the area; (3) decided to keep the issue under urgent and continuous review so that the Council might determine what further steps might be necessary to secure peace and Security in the area. (For full text, see DOCUMENTARY REFERENCES below.

After the adoption of the resolution, the Secretary-General informed the Council that he would exert every effort, including an early visit to the area, to achieve the ends sought by all.

In pursuit of the mandate given to him by the Security Council, the Secretary-General departed for the sub-continent

Digitized by Google

on 7 September and returned to United Nations Headquarters on 16 September.

On 15 and 16 September, the Secretary-General submitted two reports to the Council on his mission to India and Pakistan.

In a preliminary report dated 15 September the Secretary-General said that on 12 September after discussions with the Prime Minister of India and the President of Pakistan, he had sent identical appeals to them calling for an immediate and unconditional cessation of hostilities in the entire area of conflict at 1800 hours West Pakistan Time on 14 September.

The Indian Prime Minister's reply of 14 September, the report went on, accepted the Secretary-General's proposal with effect from 0630 hours Indian Standard Time on 16 September, provided the Secretary-General confirmed that Pakistan was also agreeable. However, India insisted on the withdrawal of Pakistan armed infiltrators and the prevention of further infiltration and was resolved to maintain its sovereignty over the State of Jammu and Kashmir. The reply of the Pesident of Pakistan, also received on 14 September, said that Pakistan would welcome a cease-fire which would provide for a self executing arrangement for a final settlement of the Kashmir dispute. The President indicated that, to resolve the real cause of the conflict, the cease-fire should be followed by a complete withdrawal of Indian and Pakistan forces from Jammu and Kashmir, after which a United Nations-sponsored African-Asian force should be sent to maintain order and plebiscite should be held in the State within three months.

In the same report, the Secretary-General stated that later on 14 September he had sent a second appeal to the Prime Minister of India and the President of Pakistan, expressing his apreciation of their positive attitude towards the cease-fire but noting that both had added conditions and qualifications which the Secretary-General could only refer to the Security Council. Pending consideration by the Security Council, the Secretary-General again asked both parties to

Digitized by Google

agree to order a cease-fire in the whole area of conflict as of 0630 hours Indian Standard Time on 16 September.

The Secretary-General went on to say that the Indian Prime Minister had replied on 15 September, reaffirming his willingness to order a simple cease-fire as soon as it was confirmed that the Government of Pakistan had agreed to do likewise and that no reply had been received from the President of Pakistan at the time of the submission ot his report. Before leaving the sub-continent, the Secretary-General addressed a third message to the Prime Minister and the President, imploring them to stop the fighting. Recalling the joint statement of the Heads of the two States on 29 November 1962, the Secretary-General suggest that urgent consideration be given to a meeting between them, either with or without the Secretary-General's presence. He assured them that he remained at their disposal for any assistance towards stopping the fighting and taking the first step to mutual accommodation. In this connexion, he noted that certain offers had bear made by world leaders indicating that they were available for concilitory assistance.

In his final report on his mission, dated 16 September, the Secretary-General noted that in the course of his talks with the Prime Minister of India and the President of Pakistan, he had heard a detailed exposition of their views on the critical situation which had developed over Kashmir. Both sides had expressed their desire for a cease-fire and a cessation of hostilities. Despite this, the Secretary-General reported that he had not yet succeeded in securing an effective practical measure of compliance by the two sides with the Security Council's resolutions, as both had posed conditions which made the acceptance of cease fire very difficult for the other side. The Council was thus faced with a situation of the greatest difficulty and complexity. Nevertheless, the Secretary-General felt strongly that the Council had also a rare opportunity to show that peace could be restored and international harmony promoted by the concerted efforts of the international community.

Digitized by Google

In those circumstances, he added, the Council might take a number of steps. It could, first order the two Governments concerned, pursuant to Article 40 of the Charter, to desist from further hostile military action, and declare that failure to comply with this order would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter. The Council might also consider what assistance it could provide in ensuring the observance of the cease-fire and the withdrawal of all armed personnel by the two sides. It could also request the two Heads of Government to meet to discuss the current situation and the problems underlying it as a first step in resolving the outstanding differences between their two countries.

On 16 September, the Secretary-General submitted a separate report on the military situation in the sub-continent. A sizable number of infiltrators, it said, continued to operate on the Indian side of the Cease-Fire Line and tribes men from the North-West Frontier were arriving at the front. The report listed Indian crossings of the Cease-Fire Line of the Jammu border and of the India-Pakistan border as well as Pakistan crossings of the Cease-Fire Line and also noted that there had been a considerable use of air forces by both sides.

At its meeting of 17 September, the Council also had before it the text of messages sent by the Chairman of the Council of Ministers of the USSR to Prime Minister Shastri and President Ayub, expressing the concern of the USSR over the conflict and offering its good offices should both parties consider them useful.

Speaking at that meeting, India's spokesman emphasized his country's desire for peace and said that every step it had taken in the present conflict had been in self-defence. The Council's records established beyond doubt that Pakistan had been the aggressor in this conflict; that it had mounted an invasion of India on 5 August 1965 in the hope of inciting the people of Kashmir to revolt and the Muslims of India to communal strife, and, when that attempt had failed, it had attacked India with its regular forces. Moreover, it was now

Digitized by Google

becoming evident that Pakistan had launched its attack on India in the expectation that China would support it. India had nevertheless agreed to accept an unconditional cease-fire, as Prime Minister Shastri had made clear in his letters of 14 and 15 September; it was Pakistan alone which had posed conditions. The Security Council should accordingly determine, under Article 39 of the Charter, the existence of an act of aggression on Pakistan's part and call upon it to desist from hostilities.

On 18 September, the representative of Pakistan told the Council that his Government's concern over the seriousness of the situation had led it to suggest to the Secretary-General when he came to Pakistan: first, that there should be an immediate cease-fire; second, that immediately thereafter the forces of both India and Pakistan should withdraw completely from the disputed area of Jammu and Kashmir, including Azad Kashmir; third, that a United Nations force should take over the security functions in the State; and fourth, that a United Nations-conducted plebiscite should be held within three months of the cease-fire to ascertain the wishes of the people of Jammu and Kashmir on the question of accession of their State to India or Pakistan. That was the only way to restore permanent peace to the sub-continent.

The representative of Pakistan indicated that his Government favoured a cease-fire because it wanted a peaceful solution to the problem and peace in the sub-continent for economic development. But the cease-fire should be part of a comprehensive agreement. There was no point in reverting to the cease-fire conditions of 1949 which, instead of peace, had brought suffering and war to the people of Kashmir.

The representative of Pakistan denied the charge made by Indian that members of the Pakistan army had crossed the Cease-fire Line and entered Indian-occupied Kashmir on 5 August. No troops of Azad Kashmir or Pakistan had crossed the Cease-Fire Line until after India had made repeated thrusts and had launched a major offensive against Azad Kashmir. The hue and cry about infiltrators raised by

Digitized by Google

India was intended to give it a pretext for a new campaign of terror and repression against the people of Kashmir who had risen against India's military occupation.

He went on to state that Pakistan shared the Secretary-General's disappointment that his efforts in the cause of peace had not met with success. That was owing partly to his restricted terms of reference and partly to the negative attitude of India. The Prime Minister of India, in his letter of 14 September, had clearly imposed the condition that the cease fire not be linked to the Kashmir dispute, which was the cause of the war. The Indian allegation that Pakistan was conspiring with China to destroy India was a baseless attempt to impress public opinion. The last thing Pakistan wished was to have the Kashmir dispute embroiled in the conflicts and rivalries of the great powers.

At its following meeting, also on 18 September, the representative of India brought to the attention of the Council an exchange of notes between the Government of India and the Government of the People's Republic of China regarding the border situation between their countries. In one of the notes, dated 15 September, the Government of the People's Republic of China demanded that India "dismantle all its military works for aggression on the Chinese side of the China-Sikkim boundary or on the boundary itself within three days of the delivery of the present note." The Indian Government, in a note of the same date, said that the allegations contained in the Chinese note were groundless and had been fabricated as a pretext for further aggression against India The responsibility for the consequences that might follow from such aggression by China would lie squarely with the Chinese Government.

India also informed the Council that Chinese troops were massing on the Indian border. That was an extension of the India-Pakistan conflict; China was fighting India through Pakistan.

On 20 September, the Security Council, by 10 votes to 0, with 1 abstention (Jordan), adopted a resolution (211 (1965))

Digitized by Google

sponsored by the Netherlands. By the operative part of this resolution, the Security Council:

(1) demanded that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT and called upon both Gavernments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August 1965;

(2) requested the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel;

(3) called on all States to refrain from any action which might aggravate the situation in the area;

(4) decided to consider as soon as operative paragraph 1 of Council resolution 210 (calling for an immediate end to hostilities in the entire area of conflict and prompt withdrawal of all armed personnel to the positions held before 5 August 1965) had been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime called on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end; and

(5) repuested the Secretary-General to exert every possible effort to give effect to this resolution, to seek a peaceful solution, and to report to the Security Council thereon. (For full text, see documentary references below.)

In a report of 21 September, the Secretary-General gave an account of the action he had taken to give effect to the Security Council resolution of 20 September. Texts of the resolution had been sent to the two Governments, and a reply

Digitized by Google

had been received from Prime Minister Shastri stating that India was willing to order a simple cease-fire and cessation of hostilities on being informed of Pakistan's agreement to do likewise. No word had yet been received from Pakistan, but it was expected that the Foreign Minister, who was coming to New York, would bring a message concerning the resolution.

In his report of 21 September, the Secretary-General also informed the Council of his intention to deploy, at least initially, a team of approximately 100 Military Observers to ensure the supervision of the cease-fire and the withdrawals along the frontier between India and West Pakistan. The Secretary-General reported, too, that he had taken action to strengthen the United Nations Military Observer Group in India and Pakistan (UNMOGIP), as requested by the Council, by the provision of additional Military Observers and extra transport and communications equipment.

The reply of the President of Pakistan to the Secretary-General's message of 20 September was received during the night of 21-22 September. It stated that orders had been issued to the Pakistan armed forces to stop fighting as from 1205 hours West Pakistan Time on 22 September unless fired upon, provided the Indian Govenment issued similar orders. This was done, the President pointed out, in the interests of international peace and to enable the Security Council to evolve a self-executing procedure leading to a settlement of the Kashmir dispute, although Pakistan considered the Council's resolution of 20 September unsatisfactory.

On 22 September, the Foreign Minister of Pakistan, speaking to the Security Council, confirmed that orders for a cease-fire had been issued. However, he continued, a cessation of hostilities was not enough. The Security Council must now address itself to the heart of the problem. If it did not, within a definite time-limit, put its full weight and moral responsibility behind an equitable and honourable settlement of the Kashmir dispute, Pakistan would have to leave the United Nations.

Digitized by Google
UNIVERSITY OF CALIFORNIA

The President, speaking on behalf of the Security Council, expressed satisfaction that the two parties had accepted the cease-fire and called upon them to implement their adherence to it as rapidly as possible.

On the same day, the Secretary-General addressed identical messages to the two Heads of Government, notifying them that the formal acceptance of the cease-fire demanded by the Security Council had been confirmed by both Governments and that the Council had agreed that the cease-fire was to take effect at 2200 hours GMT on 22 September.

In another message, dated 23 September, the Secretary-General informed Prime Minister Shastri and President Ayub Khan that the United Nations Military Observers had been dispatched to the area and that more would be coming. Because of the difference in origin of the two operations, the Secretary-General was separating the supervision of the cease-fire and withdrawals in areas outside Kashmir from the existing cease-fire machinery operating along the Cease-Fire Line in Kashmir (the United Nations Military Observer Group in India and Pakistan (UNMOGIP)). The team of Observers operating outside Kashmir would be known as the United Nations India-Pakistan Observation Mission (UNIPOM). The two operations, however, would be closely coordinated administratively and operationally.

These messages were brought to the attention of the Security Council by the Secretary-General in a report dated 23 September. In subsequent reports, the Secretary-General informed the Council of the measures he had taken to organize UNIPOM and to strengthen UNMOGIP. A total of 90 Observers had been provided for UNIPOM and the number of Observers for UNMOGIP had been increased to 102. The UNIPOM Observers were provided by Brazil, Burma, Canada, Ceylon, Ethiopia, Ireland, Nepal, the Netherlands, Nigeria and Venezuela. Those of UNMOGIP came from Australia, Belgium, Canada, Chile, Denmark, Finland, Italy, New Zealand, Norway, Sweden and Uruguay. The estimated cost would be approximately $ 1,645,000 for

Digitized by Google

the establishment of UNIPOM for a three-month period and $ 2 million for the strengthening of UNMOGIP for one year.

Between 22 and 26 September, the Permanent Representatives of India and Pakistan addressed to the Secretary-General several complaints, each of them alleging that there had been violations of the cease-fire by the other side.

The Secretary-General's first report on the observation of the cease-fire under the Security Council's resolution o. 20 September was circulated on 25 September 1965. It was reported that many complaints of violations of the cease-fire had been submitted by both sides and that the United Nations Military Observers were undertaking to investigate all of them. The next day, the Secretary-General submitted two further reports which indicated that the cease-fire was not holding and that the situation had further deteriorated, particularly in the Lahore area. On 27 September, the Secretary-General submitted a report on the question of withdrawal, in which he stated that the military situation continued to be fluid and that apparently some occupations of new positions were being made under orders by local commanders or by units not fully under control.

On 27 September, the Council again met to consider the India-Pakistan question. On that day, it adopted a resolution—read out to the Council by the President—whereby it: expressed its grave concern that the cease-fire was not holding; demanded that the parties urgently honour their commitments to observe the cease-fire; and called upon them to withdraw all armed personnel as necessary steps in the full implementation of the resolution of 20 September. The decision to this effect was embodied in resolution 214 (1965), approved without objection. (For full text, see documentary references below.)

Digitized by Google

Consideration By Security Council

(27 October-5 November)

At the end of October 1965, the Security Council held three additional meetings to consider the India-Pakistan question. During the intervening period, the Secretary-General, in a series of reports on the observance of the cease-fire, indicated that there had been numerous confirmed breaches and that the continued existence of the cease-fire must be considered precarious. Reporting also on his efforts to ensure compliance with the withdrawal provision of Council resolution 211, he stated that the withdrawals of all armed personnel foreseen in the resolution had not taken place and that there was no indication that they were likely to take place soon unless some new effort was made.

A series of letters from India and Pakistan complaining of violations of the cease-fire by the other side was also received during this period.

In a letter of 22 October, Pakistan requested that an urgent meeting of the Security Council be convened to consider the grave and rapidly deteriorating situation. That request, the letter continued, was prompted by a virtual collapse of the cease-fire and the total disregard by India of the letter and the spirit of the Council's resolution of 20 September. Moreover, the Pakistan letter said, further reports had been received about the campaign of genocide launched by Indian authorities in Kashmir and the repressive measures adopted by the Indian army and police and the puppet government in Srinagar.

In a letter of 24 October, India stated that Pakistan's efforts to have the Security Council discuss the so-called "grave political developments" within the State of Jammu and Kashmir was an attempt to compromise the internal sovereignty of India by seeking a discussion of matters which were soley within the sovereign and domestic jurisdiction of India. The Indian delegation would be unable to participate in such discussions.

Digitized by Google

On 25 October, the Foreign Minister of Pakistan addressed the Council, saying that, although nearly a month had passed since the Council's last resolution, the cease-fire remained unstable and negotiations had still to begin on withdrawal of troops and a settlement of the political problem of Kashmir. India had flouted the cease-fire agreement by a deliberate plan to seize as much territory as possible and had endeavoured to improve its military position by occupying areas which it had failed to capture during the war. Moreover, it had committed atrocities on the civilian population in those parts of Pakistan under its occupation and was violating the Geneva Convention on the treatment of prisoners of war. The need for prompt action to bring about a settlement of the basic problem had become more urgent than ever because of the reign of terror India had unleashed in the occupied part of Jammu and Kashmir.

At this point in the statement of the representative of Pakistan, the representative of India took the floor to say that Pakistan was referring to matters exclusively within the internal jurisdiction of India which were not relevant to the discussion. India was participating in the meeting on the distinct understanding that the only two issues under discussion would be the stabilization of the cease-fire and what further steps were to be taken for the withdrawal of troops and all armed personnel. In view of the statement by the representative of Pakistan, he had no option but to dissociate himself from the discussion. The representative of India then withdrew from the Council table.

Continuing his statement, the representative of Pakistan quoted press reports to show that the resistance movement against India encompassed the entire population of Jammu and Kashmir and that India was trying to destroy that movement in every possible way. He recalled that the Security Council had given the people of Kashmir a pledge that they would not be placed under a sovereignty imposed by any army of occupation. The Council should have the strength to fulfil its pledge and bring about a settlement. Pakistan had stopped fighting in order to avert further bloodshed and the danger of

Digitized by Google

a more widespread conflict. However, it could not be expected to exercise endless restraint in the face of India's proven aggressiveness.

Members of the Council speaking at its meetings of 25, 27 and 28 October emphasized the need to strengthen and consolidate the cease-fire and to ensure the withdrawal of armed forces in accordance with the Council's resolutions. Jordan, while agreeing with these views, stressed the need to respect earlier decisions of the United Nations recognizing the rights of the people of Kashmir to decide their own destiny.

The representative of the USSR said that the Secretary-General's actions regarding observers in India and Pakistan departed from the provisions of the United Nations Charter, under which only the Security Council was competent to take decisions on peace-keeping operations and particularly on specific questions involving United Nations observers, such as their number, functions and financing. He asserted that the Council should set a definite time-limit, which should not exceed three months, for the presence of United Nations observers in India and Pakistan. The representative of France said his delegation, without challenging the urgent measures the Secretary-General might have to take, felt that, in setting up any peace-keeping operation the Council itself should decide on matters such as the main characteristics of a force, its command, financing and duration.

The representatives of China, the Ivory Coast, Jordan, Malaysia, the United Kingdom and the United States endorsed the Secretary-General's actions, which, in their view, had not exceeded his mandate.

In letters of 26 and 27 October, addressed to the President of the Security Council, India stated that it would continue to dissociate itself from the discussion in the Council and commented on the statement made by Pakistan's Foreign Minister of 25 October. India had noted with deep regret some of the statements made by the Foreign Minister of Pakistan, which, it felt, were an outrage on the Security Council and an insult to the people of India.

Digitized by Google

On 5 November 1965 the Security Council held its last meeting of the year on the India-Pakistan question. It had before it a draft resolution, co-sponsored by Bolivia, the Ivory Coast, Malaysia, the Netherlands and Uruguay, insisting that there be an end to violations of the cease-fire : demanding the prompt and unconditional execution of the proposal for a meeting of the representatives of India and Pakistan with a representative of the Secretary-General for the formulation of an agreed plan and schedule for the withdrawals by both parties ; and requesting the Secretary-General to submit a report on compliance with the resolution as soon as possible.

Jordan said that it was unable to support the draft resolution. Withdrawal and a solution of the basic problem were two sides of the same coin ; it was unrealistic to insist on one and not to put the same emphasis on the other.

The proposal was adopted on 5 November as resolution 215 (1965) by 9 votes in favour to 0 against, with 2 abstentions (Jordan and the USSR). For full text, see Documentary References below.)

Speking after the vote, the representative of the USSR said that the Council's principal task was to ensure compliance with the cease-fire and the withdrawal of armed forces. However, decisions regarding United Nations military observers continued to be made in circumvention of the Security Council, and the position of principle taken by the USSR on that question had been ignored in the resolution just a adopted. The USSR had therefore been unable to support the resolution.

Subsequent Reports by Secretary-General

Until the end of the year, the Secretary-General continued to submit reports on the observance of the cease-fire and on his efforts to give effect to the Council's resolutions.

On 25 November, he reported to the Security Council thas he had appointed Brigadier-General Tulio Marambio, of Chile, as his Representative, to meet with representatives of India and Pakistan for the purpose of formulating an agreed

Digitized by Google

plan and schedule for the withdrawals, as envisaged in the Security Council resolution of 5 November (215 (1965)). In a later report, he informed the Council that the estimated total cost for General Marambio's mission for a two-month period would be approximately $ 33,500.

Continuation of Observer Group

In a report dated 15 December 1965, the Secretary-General drew the Council's attention to the fact that the first three-month period of the cease-fire demanded by the Security Council on 20 September would have elapsed on 22 December. He noted that while some degree of quiet had been established along the Cease-Fire Line the incidents continued and tension between the parties persisted at numerous points. He also noted that both India and Pakistan had informed him of their desire that the United Nations continue its observer function after 22 December 1965.

The Secretary-General indicated his intention, in the circumstances, to continue the United Nations activities relating to the cease-fire and withdrawal provisions of the Security Council. That would mean the continuation of UNIPOM for a second period of three months as from 22 December 1965, the maintenance of the added strength for UNMOGIP possibly through 1966, and the prolongation of General Marambio's withdrawal mission. The estimated costs of UNIPOM for 1965 remained at the figure of $ 1,427,000, and the estimated cost for its continuation for another three months was $ 819,000. The cost for the strengthening of UNMOGIP was now estimated at $ 830,000 for 1965 and at $ 1,740,000 for the calendar year 1966. On the assumption that appropriation action with respect to UNMOGIP would be taken by the General Assembly, it would be possible, as an interim measure, to continue to finance the commitments in respect of UNIPOM and General Marambio's withdrawal mission under the provisions of the annual General Assembly resolution relating to unforeseen and extraordinary expenses.

Digitized by Google

Observance of Cease-Fire

In a series of reports the Secretary-General continued to keep the Security Council informed of the situation regarding the observance of the cease-fire. Up to 26 December, the number of incidents along the internaiional frontier between India and West Pakistan and the Cease-Fire Line in Kashmir remained high. This number, however, decreased markedly after 26 December as a result of a no-firing agreement reached between the military leaders of India and Pakistan through the good offices of the United Nations.

Other Communications

A number of other communications in addition to those referred to above were sent by India and Pakistan to the Secretary-General or the President of the Security Council. The bulk of these communications dealt with complaints of violations of the cease-fire which each side made against the other. Most of the alleged violations related to firing by one side against positions held by the other. The remainder concerned mainly flights of enemy aircraft over areas held by the complainant's side, and patrolling, wiring and mining by enemy forces forward of their positions. At the height of the the crisis, hundreds of such complaints were submitted by each side every day. In this connexion, the Secretary-General informed the Security Council that all complaints received at Headquarters were automatically transmitted to UNMOGIP or UNIPOM, as the case might be, for immediate investigation and the results of such investigations included in his reports to the Council on the observance of the cease-fire.

In another series of communications, India and Pakistan exchanged charges, on matters indirectly connected with the fighting in the Subcontinent.

Pakistan complained about alleged atrocities committed against civilians in Indian-occupied areas, mistreatment of prisoners of war and internees and outrages against the members and premises of the Pakistan High Commission in New

Digitized by Google

Delhi and the Deputy High Commission in Calcutta. Pakistan also protested against the alleged violation by India of the Indus Waters Treaty of 1960 and the Rann of Kutch Agreement, and violations of East Pakistan's air space by Indian Air Force planes. India, on the other hand, protested against actions taken by Pakistan, including the alleged inhuman treatment of Indian diplomatic personnel in Pakistan, the continued recruitment and training of irregulars in Pakistan and Pakistan-occupied Kashmir, and the shooting down over Indian territory of a civilian aircraft carring the Chief Minister of Gujarat and other civilian personnel.

A number of communications were also ex-changed between the Secretary-General and the two parties regarding arrangements for the implementation of the Security Council's resolutions. In several of its letters on this subject, India expressed the view that the supervision of the cease-fire in the entire area of conflict should be ensured through a singal observer organization under a single a command. On its side, the Government of Pakistan stated, in a letter of 5 October 1965 that any attempted merging of the two observer operations UNMOGIP and UNIPOM) would be illegal and arbitary. In an aide-memoire of 2 October 1965 the Secretary-General stated that, as UNMOGIP was limited in its terms of reference of the Cease-Fire Line in Kashmir, it had been necessary to set up a new operation in order to carry out fully the directive of the Security Council in its resolution of 20 September (see above, pp. 167-68).

Statements at Twentieth Session of General Assembly

The India-Pakistan question, of which the Security Council remained seized, was not brought before the twentieth session of the General Assembly. Reference was made to the question by many speakers in the course of the General Debate.

On 13 December 1965, President Ayub Khan of Pakistan, addressing the Assembly, said that so long as the Kashmir dispute was not resolved, tensions between India and

Digitized by Google

Pakistan would continue to pose a threat to the peace of Asia. It was therefore vitally important that leaders in the two countries should resolve to compose their differences. If India honoured its agreement to allow the people of Kashmir to exercise their right to self-determination, and also agreed as Pakistan did, to settle other Indo-Pakistan differences through the same peaceful methods of negotiation and mediation, or, if those failed, through arbitration, then India and Pakistan should sign a no-war pledge.

The representative of India, speaking at the same meeting, expressed regret at the manner in which the President of Pakistan had referred to the State of Jammu and Kashmir, which was a constituent part of the Indian Union. To apply the principle of self-determination to integral parts of sovereign and independent States would inevitably lead to disruption and chaos in the entire community of nations.

Writing to the President of the Security Council on 27 April 1967, Pakistan complained that the regime of oppression in the Indian-occupied area of Jammu and Kashmir showed no sign of relaxation. As proof, Pakistan cited the recently staged elections in the occupied area which had been held, it said, in an environment of repression and denial of human freedoms. The Government of Pakistan remained firmly of the view that any laws promulgated by India or "elections" staged under such laws could, in no way, prejudice the right of the people of the State of Jammu and Kashmir to decide their own future through an impartial and fair plebiscite in accordance with the pledge given to them by the United Nations, Pakistan and India itself.

In a further letter of 28 December 1967, Pakistan protested against the recent adoption by the Indian Parliament of a bill known as "The Prevention of Unlawful Activities Bill (1967)." In so far as that bill was sought to be extended to the occupied territory of Jammu and Kashmir, the letter said, it represented yet another act by the Government of India to curb the movement in Jammu and Kashmir for self-determination in accordance with United Nations resolutions. The Government of Pakistan regretted that by

Digitized by Google

intensifying the suppression of the people of Jammu and Kashmir the Indian Government was preventing the promotion of a propitious climate for negotiations between the two countries towards a peaceful settlement of the Jammu and Kashmir dispute.

On 10 January 1968, the Permanent Representative of India addressed a letter to the President of the Security Council referring to the Pakistani letters of 27 April and 28 December 1967. He stated that they followed the usual pattern of "propagandist" communications to the Security Council and had made false and unwarranted allegations which amounted to gross interference in India's internal affairs. The Government of India, the letter added, was prepared to start talks towards resolving the outstanding issues between the two countries by peaceful means and in a spirit of good-neighbourliness.

In a letter of 7 February 1968 to the President of the Security Council, the Permanent Representative of Pakistan while noting, among other things, the Indian Government's offer to start talks on outstanding disputes, stated that Pakistan could not understand India's refusal to engage in discussions and exchanges on the dispute concerning Jammu and Kashmir. If the offer for negotiations made by the Government of India was to be treated as genuine, it was imperative that India abandon the claim of domestic jurisdiction in respect of acts which were designed to preclude a just and honorable settlement and which had served only to exacerbate tension and prevent negotiations.

At the beginning of 1966, the large-scale hostilities which had broken out in 1965 between India and Pakistan were brought to an end. In 1965, it will be recalled, the Security Council adopted four resolutions demanding a cease-fire and a withdrawal by the parties to the positions occupied by them before 5 August 1965, and calling on the Secretary-General to provide all necessary assistance. To ensure supervision of the cease-fire and the withdrawal of all armed personnel, the Security-General, in 1965, strengthened the already-existing United Nations Military Observer Group in

Digitized by Google

India and Pakistan (UNMOGIP), established a new United Nations India-Pakistan Observation Mission (UNIPOM), and appointed a personal representative to meet with both parties and seek agreement on a plan and schedule for the withdrawals. On 30 December 1965, the Secretary-General reported that the military commanders on both sides had agreed to order cessation of firing by all formations, effective 26 December.

During January 1966, India and Pakistan submitted a number of complaints about alleged violations of the cease-fire by forces of the other side, most of them relating to incidents which had occurred during the preceding month. The Secretary-General also issued a number of reports on the observance of the cease-fire, providing information on the result of the investigations into these complaints conducted United Nations Observers.

On 7 January 1966, the Secretary-General reported that an agreement to limit air activity by both sides over the entire area of conflict had been achieved, and that observance of the agreement was to be supervised by United Nations Military Observers. On 15 January, he noted that, since the no-firing agreement had been reached at the end of December 1965, there had been a general relaxation of tension along the front line, and a marked decrease in the number of incidents. The restriction of air activity agreed to by both sides had entered into effect on 8 January. He also reported that, in the Lahore-Khasa-Narla sectors, a local agreement had been reached with both sides by Observers to ban all construction of bunkers within 500 yards on either side of the cease-fire positions in the area of Bhasin, Dograi and Manihala. On 28 January, he noted that since his last report only one incident involving a breach of the cease-fire had been confirmed by Observers.

On 4 January 1966, the Prime Minister of India and the President of Pakistan, acting on the invitation of the USSR Government, met at Tashkent, USSR, to discuss the problems of their two countries. On 10 January 1966, they signed a

Digitized by Google

Declaration (the text of which was registered by India with the United Nations Secretariat on 22 March 1966 and was transmitted to the Security Council by India on 24 March 1966), by the terms of which they declared their firm resolve to restore normal and peaceful relations between their two countries and to promote understanding and friendly relations between their people. The Prime Minister of India and the President of Pakistan further agreed that both sides would exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter, and reaffirmed their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. In subsequent articles of the Declaration, they further agreed: that all armed personnel of the two countries should be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides should observe the cease-fire terms on the cease-fire line; that relations between India and Pakistan should be based on the principle of non-interference in the internal affairs of each other; that both sides would discourage any propaganda directed against the other country; that the normal functioning of diplomatic missions of both countries would be restored; that they would consider measures towards the restoration of economic and trade relations, communications and cultural exchanges; that instructions would be given to their respective authorities to carry out the repatriation of prisoners of war; that the parties would continue the discussion of question relating to the problems of refugees and evictions/illegal immigrations, create conditions which would prevent the exodus of people, and discuss the return of the property and assets taken over by either side in connexion with the conflict; and that the sides would continue meetings both at the highest and at other levels on matters of direct concern to both countries, having recognized the need to set up joint Indian-Pakistani bodies which would report to their Governments in order to decide what further steps should be taken.

Digitized by Google

On the occasion of the signing of the Tashkent Declaration, the Secretary-General sent messages to the President of Pakistan and to India's Minister for External Affairs, saying that the measures agreed upon in Tashkent were an important step towards establishing a stable peace between their countries. He attached special importance to the fact that the parties had, in accordance with the United Nations Charter, renounced the use of force in the settlement of disputes and that, in conformity with the appropriate resolutions of the Security Council, they had agreed to the withdrawal of all armed personnel. He also sent a message to the Chairman of the Council of Ministers of the USSR, congratulating him on his timely initiative in bringing the parties together.

In a report issued on 17 February 1966 on compliance with the withdrawal provisions of the Security Council's resolutions, the Secretary-General stated that, after a number of consultations with each side, his representative on withdrawals, Brigadier-General Tulio Marambio, of Chile, had succeeded in arranging for joint meetings of the military representatives of India and Pakistan under his auspices, beginning on 3 January 1966. The meetings were held at the two United Nations operational headquarters, at Lahore, Pakistan, and at Amritsar, India. At a joint meeting at Lahore on 15 January, the military representatives of the parties agreed on the principles of a plan and schedule for withdrawals for submission to the chief military leaders of the two countries. The latter met at New Delhi, India, on 22 January, and the plan for disengagement and withdrawal of troops agreed upon by them was communicated to General Marambio. It was provided, inter alia, that ground rules to implement the withdrawals along the cease-fire line in Kashmir and the border between India and West Pakistan were to be formulated by the two military representatives at their joint meetings under General Marambio's chairmanship. The resulting agreement was signed by the two representatives and by General Marambio on 29 January.

The agreement of 29 January 1966 provided for the disengagement and withdrawal of armed personnel in two

Digitized by Google

stages. During the first stage, both forces would withdraw within five days to a distance of 1,000 yards from the line of actual control in specified areas, and within the next 21 days would remove and nullify all defences, including the lifting of mines and the dismantling of all other defence works. The good offices of INMOGIP and UNIPOM would be requested to ensure that the action agreed to was fully implemented and, in the event of disagreement between the parties, the decision of UNMOGIP and UNIPOM would be final and binding on both sides.

After the dismantling of defences had taken place, all troops, para-military forces and armed police who were on the wrong side of the international border and the cease-fire line would be withdrawal. This withdrawal was to be completed by 25 February 1966. If disagreements arose which could not be resolved by the two parties, the good offices of General Marambio would be requested and his decision would be final and binding on both sides. It was agreed that his functions in this matter would cease on later than 28 February 1966.

On 31 January 1966, UNMOGIP and UNIPOM reported that the first phase of the first part of the disengagement and withdrawal plan had been completed within incident in all sectors. Later reports stated that the second phase (i.e., the removal of defence works) had been completed on 20 February.

On 26 February 1966, the Secretary-General reported that the withdrawal of troops by India and Pakistan had been completed on schedule on 25 February. The withdrawal provisions of the Security Council's resolution had thus been fulfilled by the two parties.

On 26 February, the Secretary-General also sent congratulatory messages on the completion of the withdrawals to his Representative in India and Pakistan and to the Chief Officers of the two United Nations observer missions. In messages on 28 February to the Prime Minister of India and the President of Pakistan, the Secretary-General welcomed

Digitized by Google

the troop withdrawals as an important step towards peace, and said that the spirit in which the two countries had fulfilled the Security Council's resolution and the Tashkent Agreement regarding withdrawals was a source of reassurance for a world too often torn by violence and discord.

In his last report, dated 23 February 1966, on his efforts to give effect to the Security Council resolutions, the Secretary-General pointed out that once the withdrawal had been successfully completed the task of the United Nations India-Pakistan Observation Mission (UNIPOM) along the international frontier between the two countries would also have come to an end. He therefore intended to have the Observation Mission cease all functions as of 1 March 1966 and thereafter to disband it not later than 22 March 1966. At the same time, and in consultation with the two Governments, there would be a gradual reduction of those observers recruited to augment the strength of UNMOGIP since September 1965.

Other Communications

In a letter of 20 January 1966, India replied to a complaint made by Pakistan on 21 December 1965, denying that it was controvening any provisions of the Indus Waters Treaty of 1960 and stating that it was willing to co-operate further with the Government of Pakistan.

On 1 April 1966, Pakistan complained to the Secretary-General that India forces were continuing to occupy three areas in the Sialkot Sector, in violation of the troop withdrawal agreement.

Replaying on 6 April 1966, India stated that the matter referred to had been taken up between the two local commanders and whatever adjustments in position were necessary had already been carried out. India found it surprising that Pakistan had sought to exploit that relatively unimportant matter for propaganda purposes.

In a letter dated 12 April 1966, Pakistan said the description by India of the issue raised in its letter of 1 April as a

Digitized by Google

"relatively unimportant matter" was disingenuous, as the important thing was not the size of the territory involved but the conclusion to be drawn as to the intentions of the parities with regard to the agreements they had so recently concluded.

Replying on 21 April 1966, India said that it had amply demonstrated its readiness and resolve to implement the Tashkent Declaration in letter and spirit.

On 19 May and 22 August 1966, Pakistan complained of an alleged breach of the cease-fire agreement by Indian forces on 29 April 1966.

On 8 June and 5 October 1966, India denied the alleged breach of the cease-fire agreement and expressed regret that Pokistan was continuing its propaganda drive against India. In a further communication of 29 June 1966, India complained that Pakistan troops had encroached on the Indian side of the cease-fire line near Naushahra.

On 6 September 196-, Pakistan protested against what it termed the grave implications of a private member's bill introduced in the Indian Parliament proposing steps which, if accepted, would, Pakistan said, further erode the special status enjoyed by the disputed territory of Jammu and Kashmir.

On 7 September, Pakistan denied that its forces had encroached on the Indian side of the cease-fire line, as alleged by India on 29 June.

On 12 October 1966, India rejected Pakistan's protest concerning the introduction of a private member's bill in the Indian Parliament. The Government of India, it said, could not entertain advice or interference from any other Government in matters dealt with by its Parliament or in regard to the scope of the application of the Constitution to any part of India, including Jammu and Kashmir.

Further to letters addressed to the President of the Security Council in 1967 and early 1968, India and Pakistan continued to exchange charges on the India-Pakistan question in 1968 through such communications.

Digitized by Google

It a letter dated 12 March 1968, India stated that Pakistan had not only misrepresented India's stand on Indo-Pakistan talks in its letter of 7 February 1968 but had insisted that India abandon its jurisdiction in one of its constituent States as a pre-condition to the talks. As the Foreign Minister of India had stated in the United Nations General Assembly on 29 September 1966, the fact that India was prepared to discuss all differences with Pakistan, in accordance with the Tashkent Declaration (of 10 January 1966) and to settle those differences by peaceful means did not and could not, mean that India should give up its stand in regard to the status of the Indian State of Jammu and Kashmir. Were each side to insist on pre-conditions. India would be entitled to ask Pakistan vacate two fifths of Indian territory in Jammu and Kashmir that it had illegally occupied. India, the letter concluded, was prepared to start talks, without pre-conditions, and hoped that Pakistan would adopt a smilar approach.

In a reply dated 2 July 1968, Pakistan stated that India had failed to appreciate the point that if it was genuinely interested in having negotiations with Pakistan, it was imperative that India should abandon the claim of domestic jurisdiction in respect of acts which were designed to preclude a just and honourable settlement. Pakistan's stand in that respect was in accord with the principle that, on matters affecting international peace and security, and in connexion with a situation which continued to be on the agenda of the Security Council, the plea of domestic jurisdiction was untenable. To consider that stand as a pre-condition to discussion was an obvious misinterpretation. The State of Jammu and Kashmir was not a constituent state of India but a territory whose status was in dispute. The framework for a solution of that dispute was embodied in resolutions of 13 August 1948 and 5 January 1949 of the United Nations Commission for India and Pakistan (UNCIP). Having been accepted by both Governments, those resolutions constituted an international agreement which could not be unilaterally repudiated.

In another letter, dated 25 July 1968, Pakistan drew the attention of the Security Council to Government-sponsored

Digitized by Google

legislation adopted by the Indian Legislature on 20 March and 9 May 1968 which sought to confer jurisdiction on the Supreme Court of India to hear appeals against decisions of the Jammu and Kashmir High Court in respect of election petitions and to authorize the extension of a number of laws of the Indian Union to the State of Jammu and Kashmir. After stating that Pakistan had consistently brought to the attention of the Security Council the measures that India had taken over the years to consolidate its hold over the occupied area of the State of Jammu and Kashmir, the letter declared that the above legislation formed another link in the chain of attempts by India to obliterate the special status of that State and gradually to bring about a fait accompli diametrically opposed to the agreement contained in the UNCIP resolutions of 13 August 1948 and 5 January 1949. The letter added that it was acts of that nature which fomented tension between India and Pakistan and which had led to conditions of hostility between the two countries.

During 1969, India and Pakistan addressed further letters to the President of the Security Council of the India-Pakistan question.

In a letter dated 11 April 1969, Pakistan stated that certain measures being taken by India directly or through its agents in the State of Jammu and Kashmir were causing great resentment among the people of the Indian-occupied area and the people of Pakistan. One of those measures was the introduction of a bill in the Indian Parliament to put beyond doubt the application to Jammu and Kashmir of "The Unlawful Activities (Prevention) Act, 1967." The bill, Pakistan stated confirmed its apprehensions concerning that act, which Pakistan had drawn to the attention of the Security Council in December 1967. The application of the act was designed to suppress the demand of the people of Kashmir for their right of self-determination and would worson relations between Pakistan and India.

The letter added that another measure by India would confer proprietary rights to non-Moslems over property left

Digitized by Google

behind by Moslem citizens of the State of Jammu and Kashmir who had been forced to migrate from the State. Pakistan concluded its letter by stating that the proposed legislative measures, besides constituting violations of India's obligations under United Nations resolutions and the Charter, would also prevent the creation of an atmosphere favourable to the promotion of negotiations for a peaceful settlement of the dispute concerning the State of Jammu and Kashmir.

In a letter dated 2 June 1969, India replied that since the State Jammu and Kashmir had acceded to India and was part of India, any changes undertaken or contemplated either within the State or in relations between the State and the central Government were matters entirely for the Indian authorities to decide. Pakistan's concern amounted to an unwarranted interference in the domestic affairs of India. The fact that India was prepared to discuss all differences with Pakistan in accordance with the letter and spirit of the Tashkent Declaration (of 10 January 1966) did not mean that India could not take measures necessary for proper government in Kashmir. India reiterated that the issue before the Security Council was Pakistan's continuing illegal occupation by force of Indian territory in Kashmir.

On 21 July 1969, India forwarded copies of two notes from India to Pakistan and to the People's Republic of China protesting the construction of a road in Indian territory by Pakistan, with the assistance of the People's Republic of China, from Mor Khun in Northern Kashmir to the Khunjerab Pass on the Kashmir-Sinkiang border. India claimed that the road would permit China's road network in the Tibet-Sinkiang region to extend into areas of Kashmir occupied by Pakistan. India added that the action was obviously of military significance, was calculated to alter further the situation in the area and posed a threat to peace and security in the region. In its note to Pakistan, India added that in pursuance of its right of self.defence, it reserved the right to take all necessary measures against any violation of its sovereignty and territorial integrity in Jammu and Kashmir.

Digitized by Google

On 9 August 1969, Pakistan replied to India, stating that State of Jammu and Kashmir had never been recognized as a part of Indian territory, India had no locus standi to lodge any protest with Pakistan. Pakistan added that the threat implied in the Indian note ill accorded with India's professions to improve relations with Pakistan.

On 12 September 1969, India replied, saying that the State of Jammu and Kashmir in its entirely had become part of India as a result of its accession to India in 1947. That parts of the State were under illegal occupation by Pakistan or the People's Republic of China in no way altered India's sovereignty over the whole of the State, the note added ;any action taken in that area by Pakistan singly or jointly with China was therefore totally illegal and unacceptable.

During 1970, India and Pakistan addressed further letters to the President of the Security Council on the India-Pakistan question.

On 15 September, the representative of Pakistan transmitted the text of a note dated 29 August 1970 from Pakistan to India protesting a statement made by the Prime Minister of India on 14 July 1970, in which she was reported to have said that the accession of Kashmir was part of India's history, that history could not be reversed, and that the question of Kashmir had been decided once and for all. Pakistan's note said that in so stating the Prime Minister of India had disregarded international commitments entered into by India as a result of its acceptance of the resolutions of the United Nations Commission for India and Pakistan (UNCIP) of 13 August 1948 and 5 January 1949, which had stated explicitly that the question of accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a plebiscite.

Writing again, on 30 November, the representative of Pakistan forwarded the text of a note sent by Pakistan to India on 9 November 1970, which referred to an Indian note of the previous month dated 19 October. Pakistan reiterated that the Indian position taken in that note—that the State of Jammu and Kashmir was an integral part of India—was in

Digitized by Google

complete violation of international aggrements of Jammu and Kashmir to which India was committed.

The Pakistan note went on to say that a unilateral attempt by India to disown its international commitment could not in any way affect the continuing force and validity of the international agreements on Kashmir to which India, Pakistan and the United Nations remained parties. In its note, Pakistan recalled that Indian leaders were on record as having stood committed to holding a plebiscite in Jammu and Kashmir to determine its future.

By a letter dated 23 December 1970, the representative of Pakistan forwarded the text of a note of 16 December 1970 in which Pakistan had protested to India about the adoption of a bill by the Indian Parliament on 3 December 1970, seeking to extent 19 Central Labour Laws to the occupied State of Jammu and Kashmir. Pakistan considered that this and other similar measures taken by India were designed to dilute the special status of the State of Jammu and Kashmir and finally to integrate that disputed territory with India, in violation of United Nations Security Council resolutions of 30 March 1951 and 24 January 1957, which had enjoined India and Pakistan to refrain from any action likely to prejudice a just and peaceful settlement.

Writing to the President of the Security Council on 30 December 1970, the representative of India forwarded the text of two notes by India sent in reply to Pakistan's notes of 29 August and 9 November 1970.

In one, dated 19 October 1970, India said that the statement made by its Prime Minister was a reiteration of statements made by Indian authorities on several occasions in the past. Since the State of Jammu and Kashmir had acceded to India in 1947 and was part of it, Pakistan's attempt to distort or misrepresent that situation was regrettable, and India was obliged to reject it, the note said.

The Indian note then said that although the State of Jammu and Kashmir was an integral part of India, Pakistan had continued to remain in illegal occupation of about 32,500 square miles of the State ; the only issue to be settled in

Digitized by Google

Kashmir, therefore, was the situation arising out of that illegal occupation by Pakistan.

The note concluded by stating that India was of the view that the issues between it and Pakistan could be settled bilaterally and through peaceful means, and for that reason it had expressed its willingness on many previous occasions to establish contact and normalize relations with Pakistan.

In its second note, of 19 December 1970, India reiterated its stand that the State of Jammu and Kashmir had in its entirety become part of India as a result of its accession to India in 1947 and that Pakistan was therefore illegally occupying part of India. The note also stated that Pakistan's views with regard to the UNCIP resolutions of 13 August 1948 and 5 January 1949 were entirely without substance.

In January and February 1971, India and Pakistan each addressed two letters to the President of the Security Council, continuing their correspondence of previous years regarding the State of Jammu and Kashmir. The Permanent Representative of Pakistan complained of repressive actions by the Government of India in that State, and emphasized that the status of Jammu and Kashmir remained to be determined in accordance with resolutions of the Security Council.

The Permanent Representative of India contended that since the State had became an integral part of India by virtue of its accession in 1947, the issues raised by Pakistan concerned matters of domestic jurisdiction. His Government would not discuss such matters with any other country or in the United Nations, though it was prepared to discuss bilaterally with Pakistan the question of Pakistan's illegal occupation of part of the State.

In reply, Pakistan restated its position concerning the international character of the question of the Status of Jammu and Kashmir and its readiness to co-operate with any effort to resolve the problem in accordance with the wishes of the people of that State.

In another series of five letters between 13 February and 2 September 1971, the two Permanent Representatives ex-

Digitized by Google

pressed their views on the subject of the hijacking of an Indian plane to Pakistan on 30 January 1971 and the subsequent prohibition by India of the overflight of Pakistan aircraft.

The Permanent Reprentative of Pakistan claimed that India's action violated several international aviation agreements and was an act of belligerence. His Government deplored the hijacking and disapproved of such acts despite the fact that it appeared to be a desperate act arising from conditions of repression in Jammu and Kashmir. There was no obligation for Pakistan to compensate India for the loss of the aircraft or to extradite the hijackers who as citizens of Jammu and Kashmir, were not Indian nationals.

The Permanent Representative of India rejected Pakistan's disclaimer of responsibility for the hijacking: he contended that the Pakistan authorities had made no effort to disarm the hijackers and had aided and encouraged them, as part of Pakistan's policy of confrontation with India. The prohibition of Pakistan overflights had been imposed as a protection against further hijackings. The situation, however, was amenable to settlement through bilateral negotiations.

Developments Prior to Security Council Consideration

Following the outbreak of civil strife in East Pakistan in March 1971, two United Nations humanitarian programmes in the subcontinent were established by the Secretary-General and commenced operations during the spring and summer of 1971 (see section above). Meanwhile, the situation in the region was undergoing a steady deterioration in almost all aspects. Border clashes, clandestine raids and acts of sabotage were becoming more frequent.

In a memorandum dated 20 July 1971 to the President of the Security Council, the Secretary-General indicated that in East Pakistan international and government efforts to cope with the humanitarian problem were increasingly hampered by the lack of substantial progress towards a political reconciliation and the consequent effect on law, order and public ad-

Digitized by Google

ministration. Reconciliation, an improved political atmosphere and the success of relief efforts were indispensable prerequisities for the return of any large proportion of the refugees from India. There was a danger that serious food shortages and even famine would soon add to the suffering of the population unless conditions could be improved to the point where a large-scale relief programme could be effective. The situation was thus one in which political, economic and social factors had produced a series of vicious circles largely frustrating the efforts of the authorities concerned and of the international community to deal with the vast humanitarian problems involved. For these reasons, and having in mind the deep preoccupation of the members of the Security Council and many other Members of the Organization with developments in the area, the Secretary-General said he had taken the unusual step of reporting to the President of the Council on this question, which was not on the Council's agenda.

After a brief account of the actions he had taken in pursuance of his responsibilities relating to humanitarian questions, the Secretary-General indicated that the problem could have serious repercussions in the context of the long-standing differences between India and Pakistan and otherwise. A conflict between the principles of the territorial integrity of States and of self-determination was involved, which had often before given rise to strife. The Secretary-General expressed deep concern about the possible consequences of the situation, not only in the humanitarian sense but also as a potential threat to peace and security and for its bearing on the future of the United Nations as an effective instrument for international co-operation and action. While not suggesting precise courses of action, the Secretary-General believed that the United Nations, with its long experience in peace-keeping and its varied resources for conciliation and persuasion, should now play a more forthright role to avert further deterioration of the situation. The Security Council, he said, was in a position to consider what measures might be taken; such consideration might take place formally or unformally or

Digitized by Google

informally, in public or in private. The Secretary-General observed that his memorandum was meant to provide a basis for discussions on this matter.

The representative of India read to the Council a passage from a report by the Secretary-General dated 4 December on the situation along the cease-fire line in Jammu and Kashmir, which gave details of military action along the line on 3 December. The Indian representative stated that the whole picture was that of a build-up for military action. It was not India, he said, which was beaking up Pakistan; it was Pakistan which was breaking up itself and in the process creating aggression against India. Ten million people had gone to India as refugees. That was surely a kind of aggression and had subjected India to intolerable social, financial and administrative pressures.

Between 7 and 18 December 1971, the Secretary-General issued another series of reports to the General Assembly and the Security Council on the situation along the cease-fire line in Jammu and Kashmir, based on information supplied by the United Nations Military Observer Group in India and Pakistan (UNMOGIP). The reports gave an account of hostilities in the several sectors, with incursion across the cease-fire line in various places by both sides. The Chief Military Observer noted, however, that his reports did not cover all military activities in the UNMOGIP area of responsibility, since military observers as a rule had had to limit their observations to the immediate areas of their stations. At 1930 hours on 17 December, he said, a cease-fire announced by the two Governments involved had gone into effect in the area.

India, the United States representative continued, had responded by publicly calling on Pakistan to pull its forces out of its own territory of East Pakistan. With the support of USSR vetoes, India had prevented the Security Council from acting. The Council had the responsibility to demand immediate compliance by India with the Assembly's resolution. It should also insist that India give a clear and unequivocal assurance that it did not intend to annex Pakistan territory or change the status quo in Kashmir contrary to United Nations

Digitized by Google

resolutions. The United States representative submitted in draft resolution intended to give effect to these views.

The Syrian Arab Republic then proposed a draft resolution by which the Council, expressing grave concern at the situation in the India-Pakistan subcontinent which was an immediate threat to peace, and noting the General Assembly resolution of 7 December, would :

(1) urge Pakistan to release all political prisoners so that the elected representatives of East Pakistan could resume their mandate;

(2) decide on an immediate cease-fire and withdrawal of forces to their own sides of the border and of the cease-fire line in Jammu and Kashmir; and

(3) request the Secretary-General to appoint a special representative to supervise the above operations and assist in a settlement between the Government of Pakistan and the elected representatives of East Pakistan and in establishing the conditions for a voluntary return of refugees and the normalizing of relations between India and Pakistan.

The six-power resolution was adopted by the Council by 13 votes to 0, with 2 abstentions (Poland and the USSR), as resolution 307 (1971).

By the preamble to the resolution, the Council, having discussed the grave situation in the subcontinent, which remained a threat to international peace and security, noted the General Assembly's resolution of 7 December 1971, the replies and statements relating to the cease-fire by Indian and Pakistan and the fact that a cease-fire prevailed. It then, by the operative part of the resolution :

(1) demanded that a cessation of all hostilities in all areas of conflict remain in effect until withdrawals took place, as soon as practicable, of all armed

Digitized by Google

forces to their respective territories and to positions which fully respected the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan (UNMOGIP);

(2) called upon all Member States to refrain from any action which might aggravate the situation;

(3) called upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949;

(4) called for international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes;

(5) authorized the Secretary-General to appoint, if necessary, a special representative to lend his good offices for the solution of humanitarian problems;

(6) requested the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the resolution;

(7) decided to remain actively seized of the matter.

Prior to the vote, the President of the Council, referring to the provision of the text calling for observance of the 1949 Geneva Conventions, mentioned rumours of the danger of retaliatory action in Dacca.

Following the vote, Somalia made a statement on behalf of the sponsors of the six-power text in explanation of certain aspects of the resolution emphasizing in particular that India and Pakistan had subscribed to it in general. It was understood that in the eastern theatre, foreign troops were to be withdrawn as soon as practicable, while in the western theatre

Digitized by Google

there was to be disengagement leading without delay to withdrawals. India's disclaimer of territorial ambitions was noted by the sponsors, who further considered that in implementing the resolution, the parties might make any mutually acceptable arrangement or adjustment.

In explanation of his vote, the representative of the Syrian Arab Republic, while supporting the resolution, voiced serious reservations over the fact that it deferred withdrawal to the uncertain future. He appealed to the parties to stop individual or collective reprisals.

The representative of China said that, although he had voted in favour of the draft, he was highly dissatisfied with it because it did not condemn the open aggression against and dismemberment of a sovereign State by the Indian expansionists with the support of the USSR Government.

The USSR and Poland said that the resolution contained provisions with which they could not agree, notably the reference to the General Assembly's resolution (279 [XXVI]) of 7 December 1971. Consequently, they had abstained in the voting although they noted the merits of certain provisions of the resolution just adopted, especially the ones dealing with the cease-fire, withdrawals and humanitarian measures.

The representative of the USSR also drew attention to a statement of 18 December issued by his Ministry of Foreign Affairs, welcoming the cessation of hostilities which created the conditions for a normal transfer of power to the elected representatives of the people of East Pakistan.

The representative of Pakistan said that the Council had failed signally in dealing with the situation in accordance with the principles of the United Nations Charter. Pakistan had been subjected to open and unconcealed aggression and the Council had failed to prevent or stop the blatant breach of the peace. An untold number of lives had been lost and the Council had done nothing to save them. The resolution as adopted was weak. This would cause reappraisal of the Council's relevance to issues of war and peace.

Digitized by Google

The Pakistan representative defined his Government's understanding that Indian troops were to withdraw from East and West Pakistan territory alike. The United Nations, he said, could not violate the territorial integrity of a Member State. Consequently it was precluded from according even implicit recognition to the result of any attempt to dismember Pakistan. Also, the cease-fire line in Jammu and Kashmir remained as established by the Karachi Agreement of 1949. He said that acts of genocide were being carried out in East Pakistan since the fall of Dacca on 13 December. Lastly, the resolution did not embody any amicable settlement of the conflict between the two parties.

The Foreign Minister of India questioned the relevance of the reference in the adopted resolution to the General Assembly's resolution of 7 December 1971 and regretted that the Council's resolution ignored the existence of Bangladesh and of the Bangladesh Government. The Indian armed forces would withdraw from Bangladesh as soon as practicable, but their presence there was necessary for such purposes as the protection of Pakistan troops who had surrendered and for prevention of reprisals and the like. Pakistan no longer had the right to keep any troops in Bangladesh, and any attempt by Pakistan to enter Bangladesh by force would create a threat to peace and security and could endanger stability again. As for the western theatre, the international frontier between India and Pakistan was well defined, but during the hostilities certain areas of India and Pakistan had come under the control of the opposing forces. India accepted the principle of withdrawals and wished to negotiate and settle the matter with Pakistan as early as possible. The State of Jammu and Kashmir was an integral part of India. However, in order to avoid bloodshed, India had respected the cease-fire line supervised by UNMOGIP. There was a need to make some adjustments in the cease-fire line; a subject that India would discuss and settle with Pakistan. India had no territorial ambitions and would like a similar declaration from Pakistan.

Digitized by Google

The representative of Pakistan rejected the contention of the Foreign Minister of India that Pakistan had no right to keep troops in so-called Bangladesh. East Pakistan was an integral part of the territory of Pakistan, and the juridical status and the inalienable rights of the people of Pakistan could not be altered in any manner by an act of aggression and military occupation. The withdrawal of occupying armed forces could not be conditional upon negotiations. It was only after withdrawal that negotiations could really take place. As for the statement of the Indian representative regarding territorial ambitions, Pakistan had no territorial claims on Indian territory but did not consider Jammu and Kashmir to be part of India; it was disputed territory whose future would be settled by agreement under the aegis of the Security Council.

Reports and Communications to Security Council (December 1971)

On 21 December, shortly after the adoption of Security Council resolution 307(1971), the Secretary-General issued a report on the implementation of that resolution and of General Assembly resolution 2790(XXVI) of 6 December 1971 dealing with aid to East Pakistan refugees. Referring to efforts to reactivate the relief operation in the area, he stated that United Nations personnel in Dacca would be strengthened and as soon as possible would reassess the requirements for international assistance in the light of the changed situation. Significant amounts of supplies which had been diverted to nearby staging areas when the hostilities broke out made possible a prompt response to the needs of the distressed population. United Nations Children's Fund and World Food Programme shipments were en route. It was anticipated that the United Nations High Commissioner for Refugees in his capacity as focal point (for co-ordination of United Nations assistance to East Pakistan refugees), as well as the United Nations Relief Operation in Dacca (UNROD),

Digitized by Google

would henceforward assign high priority in their work to the repatriation from India and the resettlement of refugees.

The Secretary-General reported United Nations losses sustained during the hostilities, including the death of two captains and the wounding of four other crew members of vessels transporting humanitarian supplies under United Nations auspices. The Secretary-General also indicated that he was giving serious consideration to the provision in the Security Council's resolution of 21 December concerning the appointment of a special representative to lend his good offices for the solution of humanitarian problems.

In a report of 22 December, the Secretary-General, on the basis of information from UNMOGIP, reported on the observance in Jammu and Kashmir of the cease-fire as called for by the resolution. The situation along the cease-fire line in Jammu and Kashmir was generally quiet. The Secretary-General said he was in no position to report on the observance of the cease-fire in other areas of the subcontinent, since the United Nations had no military observation machinery outside Jammu and Kashmir. The Chief Military Observer was endeavouring to return the functioning of UNMOGIP to normal.

Addenda to the report were issued on 29 December 1971 and 4 January 1972; the latter indicated that the cease-fire in Jammu and Kashmir appeared relatively stable.

On 24 February 1975, the representative of Pakistan transmitted to the President of the Security Council the text of a statement issued on the same date by the Prime Minister of Pakistan. The Prime Minister reiterated Pakistan's view that, any agreement the Government of India might reach with Sheikh Mohammed Abdullah could not compromise the right of the people of Jammu and Kashmir to self-determination. The Prime Minister of Pakistan said he had called on the people of Jammu and Kashmir to indicate their determination to continue the struggle for self-determination by observing a one-day hartal (strike) on 28 February together with their brothers in Pakistan.

Digitized by Google

After the Simla Agreement, the Kashmir issue remained on low key. Though Pakistan insisted on self-determination right of the Kashmiri people, India continue to convey that Jammu and Kashmir is the integral part of India. It opposed Pakistan for raising this issue in UN and other international institutions. The recent statements of the Indian Prime Minister P.V. Narasimha Rao showed that Kashmir issue is closed but Pakistan refused to accept this. (*Source* : UN Year-books).

Digitized by Google
Digitized by UNIVERSITY OF CALIFORNIA

Digitized by Google
Original from
UNIVERSITY OF CALIFORNIA

Index

Abdullah, Sheikh Mohammad (India)
II : 210, XIII : 216
Aka (Ivory Coast)
XVIII : 156, 221
Amjad Ali (Pakistan)
IX : 126
Araujo (Colombia)
XVII : 266
Arce (Argentina)
I : 254, 290
XVI : 23
Austin (USA)
I : 108, 295
XVI : 7, 12, 25, 50, 111, 126, 195, 280
Ayyangar, Gopalaswami (India)
I : 78, 105, 262, 278
II : 117, 126, 169, 226, 262, 307, 332
III : 3

Bajpai, G.S. (India)
III : 100, 108
Letter to Alfredo Lozane
X : 209
XII : 161, 162
Letter to the Chairman of U.N. Commission
XII : 12, 29, 35, 37, 53, 89, 94, 103, 112, 129, 145

Digitized by Google

Report
X : 160-165
Baker, Philip Noel (U.K.)
I : 106, 257, 269, 285
II : 111, 261, 299, 341
XVI : 1, 14, 15, 19, 41, 47, 58, 76, 102
Bali, Inder Singh (India)
Statement
XIV : 49-56
Barco, (USA)
VI : 99
XVII : 167, 194
Bazaz, Prem Nath (India)
Statement
XIV : 316
Bebler (Yugoslavia)
XVI : 202, 271
Benhima, AT. (Morocco)
XVIII : 95
Berard, A (France)
XVII : 313
Bernardes (Brazil)
XVIII : 111
Bhadkamkar, A.B. (India)
Letter to the President of Security Council
XV : 17-21
Bhutto, Z.A. (Pakistan)
VIII : 125, 207, 286
IX : 1, 52, 222, 237, 244, 245, 260
XIII : 85
Blanco, C. (Cuba)
XVI : 187
Boland (Ireland)
XVIII : 15, 39
Bokhari (Pakistan)
IV : 67

Digitized by Google

Caradon, Lord (UK)
XVIII : 140, 150, 164, 191, 255
Chagla, M.C. (India)
VIII : 162, 259
IX : 30, 85, 150, 202, 221
Chakravarty, (India)
VIII : 300
XIII : 34, 46
Chauvel (France)
XVI : 151, 166
XVII : 6
Chairman, UNCIP
Letter to the President of Security Council
X : 202
Letter to the Prime Minister of India
X : 43-44
Cheema
XIII : 47
Chhatari, R.S.
Letters to the President of Security Council
XIV : 219, 234
Ch Faiz Ullah (Pakistan)
Statement
XIV : 47
Chun-Ming Chang (China)
XVIII : 262
Chyle, O
Letter to the Secretary-General, India and Pakistan Foreign Affairs Minister
XII : 99
Telegram to the Government of India and Pakistan
XII : 99
Conference
Inter-Dominion Commander-in-chief
XII : 140
Cross, G. Leslie
Letter to Jawahar Lal Nehru
XIV : 57

Digitized by Google

Dayal (India)
IV : 76
Dean, Patrick (UK)
XVII : 300, 310
XVIII : 42, 67, 123
DE Beus (Netherlands)
XVIII : 194, 215, 272
DE La Tournelle (France)
XVI : 10
Dixon, Owen
Letter to the Prime Ministers of India and Pakistan
XVII : 179
Report
XI : 1
Telegram to Jawaharlal Nehru
XII : 173, 177
Dixon, Pierson (UK)
V : 136
XVII : 83, 113, 174, 210, 212, 255, 287
Draft proposals July 1952
UN representative for discussion
XII : 254
Draft resolutions
India-Pakistan question, 1951
XI : 37
Submitted by Representative of Belgium
I : 260
Voting pattern
I : 277
Duarte, Vesga (Colombia)
XVII : 96

El Khouri, EP (Syria)
I : 106, 251, 268, 288
XVI : 11, 80, 116
Letter to the Chairman of UNCIP,
X : 173

Digitized by Google

Letter to the Prime Minister of India,
X : 138

Farra, E.L., (Jordan)
XVIII : 247, 283
Fedorenko, N.T. (USSR)
XVIII : 85, 119, 208, 227, 231, 242, 246, 289, 291
Fernandez, Gonzafez (Colombia)
I : 215

Gandhi, Indira, Mrs., (India)
Speech in Rajya Sabha
XV : 166
George-Picot, Guillaume (France)
XVII : 160, 248
Goldberg, Arthur J. (USA)
XVIII : 129, 142, 157, 165, 174, 201, 223, 225, 226, 233, 245, 281, 290, 292
Graham, Frank P.,
IV : 98
XVI : 287
XVII : 33, 209
First Report XI : 42
Second Report XI : 76
Third Report XI : 91
Fourth Report XI : 114, 248
Fifth Report XI : 134, 277
1958 Report XI : 161
Letter to the permanent representative of India
XII : 214
Letter to the Prime Ministers of India and Pakistan
XII : 185
Statement February 1953
XII : 286
Statement to the representatives of India and Pakistan
May 1952
XII : 248

Digitized by Google

Gromyko (USSR)
I : 253, 274, 290
Gross (USA)
IV : 138
XVI : 170, 216, 236, 273, 308
XVII : 72
Gurmani, M.A.
Latter to the Chairman of Commission
XII : 65, 109, 121, 149, 163
Letter to the Vice-Chairman of Commission
XII : 48

Hajek, J. (Czechoslovakia)
XVIII : 78
Hari Singh, *Maharaja*, (Kashmir)
Letter to Lord Mountbatten
I : 14, 73
Haseganu (Romania)
XVIII : 11
Hsia (China)
I : 271
XVI : 178, 268
Hsu (China)
XVI : 11
Hsueh (China)
XVII : 306
XVIII : 108, 205
Huddle, J. Klahr
Letter to Pakistan Foreign Affairs Minister
X : 59
Letter to the Secretary-General, India and High Commissioner for Pakistan in India
XII : 11

India High Commission in Pakistan
Notes to Pakistan Ministry of External Affairs
XV : 14, 15

Digitized by Google

India, Ministry of Foreign Affairs
Letter to Pakistan High Commission in India
XV : 13
Note to the Embassy of People's Republic of China, New Delhi
XV : 33
Telegram to Indian Embassy, Washington
XIV : 121
India-Pakistan Agreement at Shimla
XV : 163
India-Pakistan Representatives Agreement
XII : 78
Indo-Pakistan Agreement
XV : 147
India, Prime Minister
Letter to the Chairman of UNCIP
X : 40, 151
Letter to Pakistan Prime Minister
XIV : 141
Telegram to Pakistan Prime Minister
I : 27, 37, 40, 43, 50
XIV : 72, 105, 117, 120, 139, 140
Telegram to Prime Minister U.K.
XIV : 72
India's White Paper
XIV : 1
Indian Independence Act
XIV : 31
Indian Representative
Letter to the President of Security Council
I : 64
XIII : 144
Memorandum, 1952
XIII : 259
Reply to the United Nations representative for India and Pakistan
XII : 233

Digitized by Google

Instrument of Accession
I : 16
Inter-Dominion Commanders-in-Chief Conference
XII : 140
Interim Report *third*
UNCIP,
X : 224
Main problems
X : 268

Interview

Bhutto, Z.A.
Teheran Journal
XIII : 85
Iran Government
Statement
XV : 69
Ispahani (Pakistan)
I : 75

Jammu and Kashmir Plebiscite Front
XIV : 288
Jarring, Gunnar (Sweden)
XVII : 103, 162, 201, 211, 247
Report
XI : 155
Jawad, Hashim (Iraq)
XVII : 106, 152, 179, 205, 274
Jebb, Gladwyn (U.K.)
IV : 129
XVI : 205, 227, 275, 282, 305
XVII : 9, 63
Jha, C.S. (India)
VII : 132
IX : 136
Letter to the President of Security Council
XIII ; 166, 169, 170, 196, 199, 206, 247, 251

Google

Jiu Shao-chi (China)
XIII : 67
Joint Communiques
XV : 180
Justiniano, Castrillo (Boliveia)
XVIII : 90, 117

Karachi, Foreign Affairs Minister
Telegram to Prime Minister, Srinagar
XIV : 18, 20, 23
Kashmir Accord
XV : 177
Kashmir Conspiracy Case
Sheikh Mohammad Abdullah
XIII : 182
Kashmir External Affairs Minister
Telegram to Karachi Foreign Affairs Minister
XIV : 27
Kashmir Prime Minister
Cablegram to Prime Minister of United Kingdom
XIV : 21
Telegram to Deputy Commissior, Rawalpindi
XIV : 18
Telegram to Prime Minister Pakistan and Governor-General, Karachi
XIV : 22
Telegram to Prime Minister West Punjab
XIV : 17
Kerchove, R Van De
Letter to the Secretary-General, India
XII : 34, 36
Khalaf, K. (Iraq)
XVII : 227
Khan, Aly (Pakistan)
Letter to the President of Security Council
XIII : 116, 156, 159
XIV : 203, 223, 248

Digitized by Google

Khan, Liaquat Ali, (Pakistan)
Broadcast to the nation
XIV : 90
Letter to Frank P. Graham
XII : 192
Letter to Jawaharlal Nehru
XIV : 128
Statement to the Press
XIV : 100
Telegram to Jawaharlal Nehru
I : 34
XIV : 77, 90, 95, 116, 143
Khan, Mohammad Ayub (Pakistan)
XIII : 65
Brodcast to the nation
XIII : 56
Statement
XV : 129
Khan, Mohammed Zafrullah (Pakistan)
I : 104, 107, 139, 207, 266, 298
II : 74, 192, 243, 270, 297, 312, 322
III : 24, 63, 94, 105, 109, 147, 161, 212, 285, 304, 314, 330
IV : 1, 32, 63, 79, 166, 239
VII : 107, 142, 186
VIII : 1, 13, 102
Letter to Alfredo Lozano
X : 218
Letter to the Chairman of UNCIP
X : 50, 56, 57, 153, 168
XII : 91, 95, 198
Letter to President of Security Council
I : 277
X : 83
XI : 35
XV : 24
Korbel, Josef (Chairman UNCIP)
III : 112
XVI : 129

Digitized by Google

Letter to Jawaharlal Nehru
X : 45
Letter to Pakistan Foreign Affairs Minister
X : 47, 55, 56, 177
Kosygin (USSR)
Message to Ayub Khan
XV : 71, 77
Krishna Menon, V.K. (India)
IV : 291, 299
V : 1, 71, 145, 187, 190, 279
VI : 111, 137, 164, 220, 271
VII : 1, 81, 104, 272
VIII : 43, 84, 107
Kural (Turkey)
XVII : 30
Kyrou (Greece)
XVII : 31
Lall, Arthur S.
Letter to the President Security Council
XIII : 120, 149, 162
XIV : 188, 191, 213, 217, 228, 230, 233, 242
Lacoste (France)
XVI : 263
Lawford (UK)
XVI : 123
Leguizamon, Carlos A
Letter to the Government of India and Pakistan
XII : 77
Leguizamon, Carlos A
Letter to Pakistan Minister for Kashmir Affairs
XII : 172
Letter to the Secretary-General, India
XII : 32
Letter to Secretary-General, India and Pakistan High Commissioner
XII : 19
Liu Chich (China)
XVIII : 73, 141

Digitized by Google
Digitized by CAD-CAM

Letter to the President of Security Council
XV : 23
Lodge (USA)
XVII : 94, 119, 210
Lopez (Colombia)
I : 272, 293
XVI : 66, 80, 84, 85, 90
Lozano, Alfredo
Aide-memoire to the Secretary-General, India
XII : 16
Letter to acting Minister of External Affairs, India
XII : 60
Letter to Pakistan Minister for Kashmir Affairs
XII : 62
Letter to Pakistan Minister for Kashmir Affairs and Secretary-General, India
XII : 43
Letter to the Secretary-General, Indian Ministry of External Affairs
X : 201

Macatee, Robert B
Letter to the Government of India and Pakistan
XII : 115
Letter to Pakistan Minister for Kashmir Affairs
XII : 51
Letter to the Prime Minister of India and Foreign Affairs Minister of Pakistan
Letter to the Secretary General, India
XII : 9, 110
Malik (USSR)
XVI : 152
Mc Naughton, General (Canada)
I : 252
XVI : 9, 92, 139
Report on India-Pakistan question
X : 327

Google

Meeting
Karachi June (1948)—August (1948)
X : 111
Memorandum
Commission's resolution
X : 170
Menon, E.P. and Zutshi, T.N.
Report
XI : 173
Mohamad Ali (Pakistan)
XIII : 1, 39
Morozov, P.D. (USSR)
XVII : 288
XVIII : 33, 43, 51, 54, 132, 144, 154
Mountbatten, *Lord*
Letter to Maharaja Hari Singh
I : 16
XIV : 75
Muniz (Brazil)
XVI : 244
XVII : 5, 21

Naik, Niaz, A (Pakistan)
statement to the Press
XV : 174
Narayan, Jaya Prakash (India)
XIII : 74
Nehru, Jawaharlal Nehru (India)
Letter to Frank P. Graham
XII : 189
Letter to Josef Korbel
X : 44
Letter to Liaquat Ali Khan
I : 52
XIV : 119
Telegram to British Prime Minister Attlee
I : 19

Digitized by Google
University of California

Telegram to Liaquat Ali Khan
I : 21, 33
XIV : 56, 76, 79, 87, 89, 97, 115, 144
Telegram to Owen Dixon
XII : 176
Letter to the United Nations representative for India and Pakistan
XII : 180
Statement in constitutent Assembly
XIV : 108
Statement in Lok Sabha
XV : 10, 21
Nielen (Norway)
XVIII : 75, 106
Nisot (Belgium)
XVI : 101
Noon, Feroz Khan (Pakistan)
IV : 263
V : 152, 154
VI : 1, 132, 141, 268
VII : 49, 78, 103
Nunez-Portuondo (Cuba)
XVII : 138, 240, 262

Observations
XI : 246

Pakistan Foreign Affairs Minister
Letter to Secretary General
I : 109
Letter to the UN representative for India and Pakistan
XII : 214
Statement
XV : 146
Statement made to UN representative for India and Pakistan
XII : 242

Digitized by Google

Pakistan Foreign Minister
Telegram to Kashmir Prime Minister
XIV : 27
Pakistan Governor-General
Telegram to Maharaja of Jammu and Kashmir
XIV : 25
Pakistan President
Broadcast to the nation
XV : 63
Pakistan Prime Minister
Letter to Indian Prime Minister
I : 53
Telegram to British Prime Minister
I : 22, 26, 47
Telegram to General Secretary of United Nations
I : 71
Telegram to Indian Prime Minister
I : 25, 39, 41, 51
XIV : 108, 118, 140
Telegrame to Prime Minister of United Kingdom
I : 30
Pakistan Representative
Letter to the United Nations Representative
XII : 291
Memorandum, 1952
XII : 265
Pakistan's White Paper
XIV : 160
Pandit, V.L. (India)
IV : 150, 221
Parodi (France)
XVI : 87
Parthasarthy, G (India)
IX : 99, 117, 231, 232, 242
Letter to the President of Security Council
XIV : 256, 258
Paysse Reyes (Uruguay)
XVIII : 268

Digitized by Google

People's convention
XIV ; 302
People's Republic of China
Statement
XV. : 67
Pillai, P.P. (India)
I ; 77
Letter to the President of Security Council
X ; 181
Plimpton (USA)
XVII ; 302
XVIII ; 29, 118
Protuondo, Nunez (Cuba)
XVII ; 92
President, Security Council
IV ; 60
XVI ; 86
considerations submitted
I ; 249

Quaison-Sackey (Ghana)
XVIII ; 1, 38
Quevedo (Ecuador)
XVI ; 260, 285

Radhakrishnan, S.,
Broadcast to the Nation
XV ; 96
Ramani (Malaysia)
XVIII ; 138, 145, 162, 163, 180, 207, 228, 263
Rau, Benegal N. (India)
III ; 114, 120, 266, 302, 316
IV ; 21, 51, 62
Rawalpindi Deputy Commissioner
Telegram to Prime Minister Srinagar
XIV ; 17
Recommendations
X ; 304

Digitized by Google

Reduction of military force
Discussion
XV : 153
Rehman, Abdul
Statement
XIV : 47
Reports
Frank P. Graham,
XI : 42, 91, 114, 134, 161, 176
Gunnar Jarring
XI : 155
Reports
India-Pakistan question
X : 327
J.J. Singh
XI : 218
Kashmir Conspiracy Case
XIII : 201
Owen Dixon, First UN Representative Report,
XI : 1
Statement by S. Bajpai
X : 160
Submitted by major-General Scott
XIV : 16
T.N. Zutshi and E.P. Menon
XI : 173
U.N. Commission for India and Pakistan (1948)
X : 17, 188
U.N. Secretary-General
XV : 35, 155
Revolutionary Council of Kashmir
XIV : 284
Resolutions
XIV : 321
adopted by Commission 1948 (S/AC. 12/17)
X : 165

Digitized by Google

adopted by Commission 1948 (S/AC. 12/23)
X : 167
adopted by Security Council
38(1948)
I : 255
January 1948
X : 4
April 1948
X : 6
1948 (S/654)
X : 80
March 1951
XII : 182
November 1951
XII : 204
J&K Janata Party
XIV : 314
Riad, M. (UAR)
XVIII : 9
Rifa'i, A.M. (Jordan)
XVIII : 152, 171, 175
Rodriguez, Sosa (Venenzuela)
XVIII : 20, 39
Romulo, Carlos P (Philippines)
XVII : 107, 143, 187, 205, 243, 269
Ross (USA)
XVII : 26

Sadiq, Ghulam Mohammad
Interview to Press
XIV : 30
Samper, Hernando (UNCIP Chairman)
III : 117
XVI : 133
Letter to the Governments of India and Pakistan
XII : 84, 92
Santa Cruz (Chile)
XVII : 23

Digitized by Google

Sanz, Fernando Ontiz (Bolivia)
XVIII : 287
Sarper (Turkey)
XVI : 250
XVII : 7
Schweitzer (Chile)
XVIII : 26
Security Council
38(1948) Resolution of 17 January 1948 (S/651)
I : 255
Resolution of March 1951
XII : 182
Resolution of November 1951
XII : 204
Sen, S. (India)
Letter to the President of Security Council
XIV : 265, 268, 275
Setalvad, MC (India)
II : 5, 93
Saydoux, Roger (France)
XVIII : 83, 125, 127, 161, 204, 221, 240, 260, 286
Shaffi (Pakistan)
III : 116
Shahi, Agha (Pakistan)
Letter to the President of Security Council
XIII : 112, 128, 163, 164, 171
XIV : 193, 197, 212, 215, 224, 245, 253, 257, 259, 268, 270
Shastri, Lal Bahadur (India)
XV : 119
Broadcast to the Nation
XV : 53
Letter to U. Thant
XV : 58, 80, 85, 89
Statement in Lok Sabha
XV : 89, 93, 101
Shimla Agreement
XV : 163

Digitized by Google

Shone, Terence (U.K)
XVI : 191
Sidi Baba (Morocco)
XVIII : 59
Singh, J.J.
Report
XI : 218
Sir Alexander Cadogaro (UK)
XVI : 138, 147, 160
Siri, Ricardo J.
Letter to the Prime Minister of India
X : 151, 152
Sobolev (USSR)
VI : 55
XVII : 104, 163, 183, 197, 202, 250, 279, 283
Speeches,
Abdullah, Sheikh Mohammad (India)
II : 210
Abdullah, Sheikh Mohammad State People's Convention
XIII : 216
Aka (Ivory Coast)
XVIII : 156, 221
Amjad Ali (Pakistan)
IX : 126
Araujo (Colombia)
XVII : 266
Arce (Argentina)
I : 254, 290
XVI : 23
Austin (USA)
I : 108, 295
VI ; 7, 12, 25, 50, 111, 126, 195, 280
Ayyangar, Gopalaswami (India)
I : 78, 105, 262, 278
II : 117, 126, 139, 226, 262, 307, 332
III : 3
Bajpai, G.S. (India)
III : 100, 108

Google

Baker, Philip Noel (UK)
I : 106, 257, 269, 285
II : 111, 261, 299, 341
XVI : 1, 14, 15, 19, 41, 47, 58, 76, 102
Barco, (USA)
VI : 99
XVII : 167, 194
Bebler (Yugoslavia)
XVI : 202, 271
Benhima, A.T. (Morocco)
XVIII : 95
Bernard, A. (France)
XVII : 313
Bernardes (Brazil)
XVIII : 111
Bhutto, Z.A. (Pakistan)
VIII : 125, 207, 286
IX : 1, 52, 222, 237, 244, 245, 260
Blanco, C. (Cuba)
XVI : 187
Bokhari, (Pakistan)
IV : 67
Boland (Ireland)
XVIII : 15, 39
Caradon, Lord (UK)
XVIII : 140, 150, 164, 191, 255
Chagla, MC (India)
VIII : 162, 259
IX : 30, 85, 150, 202, 221
Chakravarty (India)
VIII : 300
General Assembly,
XIII : 34, 46
Chauvel (France)
XVI : 151, 166
XVII : 6
Cheema

Digitized by Google

General Assembly
XIII : 47
Chun-Ming Chang (China)
XVIII : 262
Dayal, (India)
IV : 76
Dean, Patrick (UK)
XVII : 300, 310
XVIII : 42, 67, 123
DE Beus (Netherlands)
XVIII : 194, 215, 272
DE La Tournelle (France)
XVI : 10
Dixon, Pierson (UK)
V : 136
XVII : 83, 113, 174, 210, 212, 255, 287
Duarte, Vesga (Colombia)
XVII : 96
EL Khouri, EP (Syria)
I : 106, 251, 268, 288
XVI : 11, 80, 116
Farra, E.L. (Jordan)
XVIII : 247, 283
Fedorenkos N.T. (USSR)
XVIII : 85, 119, 208, 227, 231, 242, 246, 289, 291
Fernandez, Gonzafez (Colombia)
I : 251
Gandhi, Indira, Mrs. (India)
XV : 166
George-Picot, Guillaume (France)
XVII : 163, 248
Goldberg, Arthur J. (USA)
XVIII : 129, 142, 157, 165, 174, 201, 223, 225, 226-233, 245, 281, 290, 292
Graham, FP (UNCIP)
XVI : 287
XVII : 33, 209

Digitized by Google

Graham, F.P. (UN Representative)
IV : 98
Gromyko (USSR)
I : 253, 274, 290
Gross (USA)
IV : 138
XVI : 170, 216, 236, 273, 308
XVII : 72
Hajek, J. (Czechoslovakia)
XVIII : 78
Haseganu (Romania)
XVIII : 11
Hsia (China)
I : 271
XVI : 178, 268
Hsu (China)
XVI : 11
Hsueh (China)
XVII : 306
XVIII : 108, 205
Ispahani (Pakistan)
I : 75
Jarring, Gunnar (Sweden)
XVII : 103, 162, 201, 211, 247
Jawad, Hashim (Iraq)
XVII : 106, 152, 179, 204, 274
Jebb, Gladwyn (UK)
IV : 129
XVI : 205, 227, 275, 282, 305
XVII : 9, 63
Jha, C.S. (India)
VII : 132
IX : 136
Jiu Shao-Chi
Pakistan State Banquet
XIII : 67
Justiniano, Castrillo (Bolivia)
XVIII : 90, 117

Digitized by Google

Khalaf, K. (Iraq)
XVII : 227
Khan. Mohammad Ayub State banquet
XIII : 65
Khan, Mohammed Zafrullah (Pakistan)
I : 104, 107, 139, 207, 266, 298
II : 74, 192, 243, 270, 297, 312, 322
III : 24, 63, 94, 105, 109, 147, 161, 212, 285, 304, 314, 330
IV : 1; 32, 63, 79, 166, 239
VII : 107, 142, 186
VIII : 1, 13, 102
Korbel, Josef, (Chairman UNCIP)
III : 112
XVI : 129
Krishna Menon, V.K. (India)
IV : 291, 299
V : 1, 71, 145, 187, 190, 279
VI : 111, 137, 164, 220, 271
VII : 1, 81, 104, 272
VIII : 43, 84, 107
Kural (Turkey)
XVII : 30
Kyrou (Greece)
XVII : 31
Lacoste (France)
XVI : 263
Lawford (UK)
XVI : 123
Liu Chich (China)
XVIII : 73, 141
Lodge (USA)
XVII : 94, 119, 210
Lopez (Colombia)
I : 272, 293
XVI : 66, 80, 84, 85, 90
Malik (USSR)
XVI : 152

Digitized by Google

McNaughton, General (Canada)
I : 252
XVI : 9, 92, 139
Mohamad Ali
All party conference
XIII : 1
General Assembly
XIII : 39
Morozov P.D. (USSR)
XVII : 288
XVIII : 33, 43, 51, 54, 132, 144, 154
Muniz (Brazil)
XVI : 244
XVII : 5, 21
Narayan, Jaya Prakash
Jammu and Kashmir State People's Convention
XIII : 74
Nielsen (Norway)
XVIII : 75, 106
Nisot (Belgium)
XVI : 101
Noon, Firoz Khan (Pakistan)
IV : 263
V : 152, 154
VI : 1, 132, 141, 268
VII : 49, 78, 103
Nunez-Portuondo (Cuba)
XVII : 138, 240, 262
Pakistan Foreign Minister
Commonwealth Prime Minister Conference
XIII : 59
Pandit, V.L. (India)
IV : 150, 221
Parodi (France)
XVI : 87
Parthasarthi, G. (India)
IX : 99, 117, 231, 232, 242

Digitized by Google

Paysse Reyes (Uruguay)
XVIII : 268
Pillai, P.P. (India)
I : 77
Plimpton (USA)
XVII : 302
XVIII : 29, 118
Portuondo, Nunez (Cuba)
XVII : 92
President Security Council
IV : 60
XVI : 86
Quaison-Sackey (Ghana)
XVIII : 1, 38
Quevedo (Ecuador)
XVI : 260, 285
Romani (Malaysia)
XVIII : 138, 145, 162, 163, 180, 217, 228, 263
Rau, Benegal N. (India)
III : 114, 120, 266, 302, 316
IV : 21, 51, 62
Riad, M. (United Arab Republic)
XVIII : 9
Rifa'i, A.M. (Jordan)
XVIII : 152, 171, 175
Rodriguez, Sosa (Venenzuela)
XVIII : 20, 39
Romulo, Carlod P. (Philippines)
XVII : 107, 143, 187, 205, 243, 269
Ross (USA)
XVII : 26
Samper, Hernando (Chairman UNCIP)
III : 117
XVI : 133
Santacruz (Chile)
XVII : 23
Sanz, Fernando Ortiz (Bolivia)
XVIII : 287

Digitized by Google

Sarper (Turkey)
XVI : 250
XVII : 7
Schweitzer (Chile)
XVIII : 26
Secretary-General
XVIII : 166
Setalvad, MC (India)
II : 5
IV : 93
Seydoux, Roger (France)
XVIII : 83, 125, 127, 161, 204, 221, 240, 260, 286
Shaffi, (Pakistan)
III : 116
Shastri, Lal Bahadur
XV : 119
Shone, Terence (UK)
XVI : 191
Sidi Baba (Morocco)
XVIII : 59
Sir Alexander Cadogan (U.K.)
XVI : 131, 147, 160
Sobolev (USSR)
VI : 55
XVII : 104, 163, 183, 197, 202, 250, 279, 283
Stevenson, Adla (USA)
XVII : 303
XVIII : 49, 52, 92
Sunde (Norway)
XVI : 136, 145, 156
Swaran Singh (India)
IX : 258
Tarasenko (Ukrain)
I : 276
Tsiang, TF (China)
XVI : 39, 93, 124, 199
XVII : 8, 97, 150, 207, 223, 267, 288

Digitized by Google

Usher (Ivory Coast)
XVIII : 62, 102, 257
Van Langenhove, F. (Belgium)
I : 73
II : 3
Van Ufford, Quarles (Netherlands)
XVIII : 140, 148
Vejvoda (Czechoslovakia)
XVIII : 113
Viteri Laforne (Ecuador)
XVI : 182
Von Balluseck, D (Netherlands)
XVI : 254
XVII : 1, 15
Wadsworth (USA)
XVII : 218, 285
Walker, (Australia)
V : 140
VI : 102
XVII : 87, 126, 170, 200, 235, 263
Zafar, Mohammad (Pakistan)
IX : 173, 212, 218
Zaglio, Vidal (Uruguay)
XVIII : 213
Srinagar External Affairs Minister
Telegram to Karachi Foreign Affairs Minister
XIV : 19
Srinagar Prime Minister
Telegram Care Prime Minister Lahore
XIV : 20
Telegram to Prime Minister N.W.F.P and Deputy Commissioner Rawalpindi
XIV : 28
Standstill Agreement
Reactions,
I : 8

Digitized by Google

Statements
Abdullah, Sheikh Mohammed New Delhi
XIII : 99-111
Sessions Court, Jummu
XIII : 174
Chavan, Y.B.
Lok Sabha
XIII : 67
Dinesh Singh
Lok Sabha
XIII : 72
Krishna Menon, V.K.
Lok Sabha
XIII : 18
Nehru, Jawahar Lal
Lok Sabha
XIII 48, 50
Swaran Singh, Sardar
Lok Sabha
XIII : 62
XV : 133
Stevenson, Adla (USA)
XVII : 303
XVIII : 49, 52, 92
Sunde (Norway)
XVI : 136, 145, 156
Swaran Singh, Sardar (India)
IX : 258
Broadcast to the Nation
XV : 125
Letter to Hector Paysee Reyes
XV : 116
Letter to U.N. Secretary-General
XV : 110
Statement in Lok Sabha
XIII : 62
XV : 133

Digitized by Google

Statement in UN General Assembly
XV : 141
Tarasenko (Ukrain)
I : 276
Tashkent Declaration of 1966
XV : 123
Tashkent Meeting
Speech by Lal Bahadur Shastri
XV : 119
Tass Statement on India-Pakistan Conflict
XV : 73, 75
Thant, U
Letter to Lal Bahadur Shastri
XV : 79, 84, 86
Message to Prime Minister of India
XV : 108
Treaty of Amritsar 1846
I : 5
Treaty of Lahore 1846
I : 1, 7
Truce Sub-Committee
Statement by Pakistan Delegation
XII : 20
Trygve LIE
Reply to Pakistan Prime Minister
I : 72
Tsiang, TF (China)
XVI : 39, 93, 124, 199
XVII : 8, 97, 150, 207, 223, 267, 288
Turkey Prime Minister
Statement
XV : 70
U.K. High Commissioner in Karachi
Message to Prime Minister of Pakistan
I : 35
United Kingdom
Noel Baker's suggestions
I : 257

Digitized by Google

U.K. Prime Minister
Telegram to Pakistan Prime Miniter
I : 46
United Nations Commission for India and Pakistan (UNCIP)
X : 1
Letter to the President security Council
X : 14
Second interim report
X ; 188
Lozano, Alfredo's Meeting
XII : 1
Memorandum approved
XII ; 100
Press release
XII : 117
United Nations Representative for India and Pakistan
Statement and questionnaires
XII : 205
Statement to the Representatives of India and Pakistan July 1952
XII : 251
Touce terms transmitted to Governments of India and Pakistan
XII : 56
Draft proposals of July 1952
XII : 254
Statement, August 1952
XII : 257
United Nations General Assembly
Statement by Swaran Singh
XV ; 141
United Nations Secretary-General
Report
XV : 35, 155
United States of America
Austin's suggestion,
I ; 256

Digitized by Google

Usher (Ivory Cost)
XVIII : 62, 102, 257
Van Langenhove, F (Belgium)
I : 73
II : 3
Telegram to foreign Affairs Ministers
I : 72
Van Ufford, Quarles (Netherlands)
XVIII : 140, 148
Vejvoda (Czech)
XVIII : 113
Vellodi, M.K.
Letter to the President of Security Council
X : 82
Viteri Laforne (Ecuador)
XVI : 182
Von Balluseck, D (Netherlands)
XVI : 254
XVII : 1, 15
Wadsworth (USA)
XVII : 218, 285
Walker (Australia)
V : 140
VI : 102
XVII : 87, 126, 170, 200, 235, 263
Wilson, Harold
Statement
XV : 65
Yunus, M.
Letter to the President of Security Council
XIV : 262
Zafar, Mohammad (Pakistan)
IX : 173, 212, 218
Zaglio Vidal (Uruguay)
XVIII : 213
Zutshi, T.N. and Menon E.P.
Report
XI : 173

Digitized by Google

Digitized by Google
Original from
UNIVERSITY OF CALIFORNIA